EMMET COUNTY PLANNING
COMMISSION REGULAR MEETING
THURSDAY JUNE 7, 2018
7:30 PM
EMMET COUNTY BUILDING
COMMISSIONER’S
BOARDROOM
200 DIVISION ST
PETOSKEY, MI
49770

AGENDA
I Call to Order and Attendance
II Minutes of May 3, 2017
III Cases

CASES FROM PREVIOUS MEETINGS
1. PSPR 17-015 Wayne Blomberg for Ryde Marine, SITE PLAN REVIEW-Amendment, 7433 Keystone Park Dr, Section 11, Littlefield Township [Applicant requested 2 additional months (August 2, 2018)]
2. PSUP18-003 Jason Smith, Special Use Permit, Contractor’s Use, Powers Rd, Section 17, Littlefield Township (Withdrawn by the Applicant)
3. PPUDF18-01 Robert Drost, Final PUD & Site Plan Review, 2157 Howard Rd, Section 17, Bear Creek Township

NEW CASES
4. PSUP18-004 Blissfest Music Organization, SPECIAL USE PERMIT, Campground and parking (3-days per year), 3510 Division Rd, Section 1, Cross Village Township
5. PSUP18-005 Blissfest Music Organization, SPECIAL USE PERMIT, Campground and parking (3-days per year), 3115 Division Rd, Section 12, Readmond Township
6. PSUP18-006 Thomas & Michelle Schlueter, SPECIAL USE PERMIT, Accessory Building as a Main Use, Botsford Ln, Section 17, Springvale Township
7. PSPR18-005 Northern Lights Venture, SITE PLAN REVIEW – Amendment, Mobile Home Park Expansion, 6760 South Prospect, Section 3, Littlefield Township
8. PPTEXT18-001 Emmet County Planning Commission, Text Amendment, Accessory Uses to a Farm Operation
9. PPTEXT18-002 Emmet County Planning Commission, Text Amendment, Farm Labor Housing

IV Public Comments
V Other Business
   1. Enforcement Report
   2. Accessory buildings – ZBA
   3. Wineries

VI Adjournment
EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY MAY 3, 2018, 7:30 P.M.
EMMET COUNTY BUILDING
200 DIVISION ST
PETOSKEY, MI 49770

MEMBERS PRESENT: Kelly Alexander, John Eby, Tom Urman, Jonathan Scheel, Steve Neal, Toni Drier, Charles MacInnis, David Laughbaum

MEMBERS ABSENT: James Scott

STAFF: Tammy Doernenburg, Monica Linehan

I  Call to Order and Attendance
Chairman Eby called the meeting to order at 7:31 p.m. All members were present except Scott.

II Minutes of April 5, 2018
Alexander made a motion, seconded by MacInnis, to approve the minutes of the April 5, 2018 meeting as presented. The motion passed unanimously by voice vote of the members present.

III Cases
1. Case PPUD18-01 Jack VanTreese for Maple River Resort LLC,
PRELIMINARY PUD-AMENDMENT (REZONING), 3435 US 31 Hwy, Section 22, Maple River Township

Notice: A request by Jack VanTreese for Maple River Resort LLC for a Preliminary Planned Unit Development - amendment at 3435 S US 31 Hwy in Section 22 of Maple River Township. The request includes four tax parcels: 24-09-14-200-004 zoned RR Recreational Residential and 24-09-14-22-200-002, 003 & 24-09-14-22-400-020 all zoned FF-1 Farm and Forest. The request is to allow B-2 uses on the RR parcel and FF uses on the remainder plus cabins, RV and mobile home parks, golf and other sports venues. The review will be per Article 17 and Section 27.11 of the Zoning Ordinance.

Packet Items: Township recommendation

Doernenburg noted that this case was heard at last month’s meeting. The township requested further review. The parcel is located east of US 31, north of Brutus. It encompasses the Maple Ridge Golf Course property. The proposal has been reduced to just one site which was pointed out on the aerial map. The proposal is for the 32-acre parcel and is to rezone the RR property to PUD to allow B-1 uses proposed plus outdoor display of storage sheds/buildings and FF uses on the property. The uses that exist including the clubhouse and restaurant would remain. The Township recommended preliminary approval to allow B-1 uses only on the south half of the property and only to the depth of the adjacent property’s business zoning district plus outdoor display area for model cabins and storage buildings which would be restricted to the southwest corner of the B-1 area next to the neighboring B-2 parcel. The remaining portion of the parcel would be allowed cabin court use along with the existing restaurant/clubhouse. This was shown on a zoning map. The current zoning map was shown as were photos of the site. The existing uses were reviewed. The existing accesses are proposed to be used and any additional access would have to be reviewed by MDOT. Doernenburg explained that the Planning Commission recommends to the Board of Commissioners who meet later in May.

Jack VanTreese, applicant, stated that he met with the township and this was their proposal which he can live with. Cabins will be around the restaurant like a resort.
Scheel asked if the outdoor display would be strictly set to be only model cabins/storage buildings and nothing else. Are these the pre-built buildings? Doernenburg said yes; this is preliminary only and he will have to come back to finalize with exact locations with dimensions. Scheel asked if any B-1 use would be allowed. Doernenburg said yes as long as it fits into the Zoning Ordinance requirements.

There was no public comment on this case.

MacInnis made a motion to approve Case PPUD18-001, Jack VanTreese for Maple River Resort LLC for a Preliminary Planned Unit Development Rezoning on property located at 3435 US 31 Hwy, Section 22, Maple River Township, tax parcel 24-09-14-200-004 only as shown on the Proposed PUD – Preliminary Development Plans dated Received February 14, 2018, and as shown on the 5/3/2018 graphic because the standards for the PUD and a Rezoning have been met. The uses include all B-1 uses on the RR parcel and outdoor display of model cabins and storage buildings as recommended by Maple River Township. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

2. **Case PSPR18-002**

Dave Wilson for Northern Monument, SPECIAL USE PERMIT/SITE PLAN REVIEW-AMENDMENT, 1807 N US 31 Hwy, Section 26, Bear Creek Township

**Notice:** A request by Dave Wilson for Northern Monument for a Special Use Permit and Site Plan Review at 1807 N US 31 Hwy in Section 26 of Bear Creek Township. The property is zoned B-2 General Business and includes tax parcels 24-01-16-26-300-040 & 300-042. The request is to amend the site plan and allow outdoor display and retail use per Articles 11, 20, 21 and 22 of the Zoning Ordinance.

**Packet Items:** History of parcels, 2008, 2012, & 2017 aerials, email from Engineer, rev. site plan, photos of other properties, 5/2/18 site plan, twp PC & Board minutes

Doernenburg stated that this case was reviewed at last month’s meeting but was sent back to the township for review as they didn't have a meeting in March due to a lack of a quorum. The history of land uses for the parcel had been provided in the packets. An aerial was shown which shows the property as it exists today. It is currently used as an office building. There is access from US 31 and Shaw Road. The aerials from 2008, 2012, and 2017 were shown. The existing, original, and revised site plans were shown. The current proposal is for an 8x40’ area for outdoor display. There will be boulders in place to block the Shaw Road access but the owner would like the ability to retain the use of that access in the future. The gravel parking area will be identified with bumper blocks and signage. A sealed drainage plan was provided on 5/2/2018. There will be a swale with a slight berm to allow water to flow to the Shaw Road ditch. Doernenburg stated that she, the Bear Creek Township Supervisor, the Road Commission, and the owner met on the site after the last County meeting. The additional requirements recommended at the township meeting have been addressed by the newest site plan. There is a proposed sign near the entrance to direct to the parking area near. The parcel is zoned B-2 and encompasses two tax parcels. The display area has been reduced slightly. There are no new buildings, access, or lighting proposed. Photos of the site were shown. The Shaw Road access has been partially blocked already. The Bear Creek Township Planning Commission recommended tabling but the Township Board reviewed the case and revised site plan and recommended approval as presented on the revised plan.

Bill Marshall, property owner, stated that he has given the township everything that they have asked for on this drawing.

Neal asked if it is normal for the tenant to request this instead of the property owner as the deal will be with the property owner. Alexander stated that some contracts make the tenant responsible for...
everything. Doernenburg stated that we require the property owner’s signature on the application. The property owner and applicant are not always the same.

Urman stated that all of the township requests are on the new plan. The issue discussed with the water on the property seems to be fine. He stated that he visited the property after the last hard rain and the water seems to be staying down. He did not see any water going through the fence line. It either stayed on the property or went towards the ditch. The boulders proposed will eliminate that access.

Laughbaum stated that it seems that if there were to be a more intensive use on that property in the future you’d want to create the possibility to open that drive back up again. It is convenient and maybe safer than the highway as it is very busy there now. A lot of people that might want to go here and then go north may want to use that access. Urman stated that this is why they didn’t want the access totally eliminated. Laughbaum stated that if it were a blacktopped parking lot this may not be an issue. Will the boulders be set back enough for someone to park there and walk to the site? Urman stated that they couldn’t drive through but may have enough room to park and walk in.

There was no public comment on this case.

MacInnis made a motion to approve Case PSPR 18-002, Dave Wilson for Northern Monument, Special Use Permit and Site Plan Review for retail use and outdoor display on property located at 1807 N US 31 Hwy., Section 26, Bear Creek Township, tax parcel 24-01-16-26-300-040 & 300-042 based on the site plan dated May 2, 2018 for the following reasons: the plan meets the standards of the Zoning Ordinance and on condition that the outdoor display not exceed the area shown on the plan and that it be limited in height to less than three feet and because the Bear Creek Township Board recommended approval. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

3. Case PPUDF18-01 Robert Drost, AMENDMENT TO PRELIMINARY PUD, FINAL PUD, & SITE PLAN REVIEW, 2157 Howard Rd, Section 17, Bear Creek Township

Notice: A two-part request from Robert Drost for 1) amendment to the Preliminary Planned Unit Development (PUD) and 2) a Final PUD and Site Plan Review for 2157 Howard Road and an adjacent vacant parcel both located within Section 17 of Bear Creek Township. The property is zoned Planned Unit Development and includes tax parcels 24-01-19-17-100-019 and 100-005. The permitted uses include FF-1 Farm and Forest Principal and Special Land Uses, Storage Uses and Multiple Family Uses; the proposed uses are Storage on parcel 100-019 and Forest Product Processing 100-005. Review is per Articles 8, 17, 20, 21, and 26 of the Zoning Ordinance.

Packet Items: Revised PUD agreement, 4/18/18 revised zoning evaluation form, photos from neighbor, twp PC & Board minutes

Doernenburg noted that his case has undergone a lot of review at the township level and various requests have been reviewed by this board over the last year. This request encompasses both 2157 Howard Road and an adjacent parcel that is accessed via River Road. The aerial was shown. The parcel on Howard is adjacent to City of Petoskey owned property which was the former landfill and private property on the south side. A PUD has been approved for storage uses on this parcel and for forest product processing on River Road. Howard Road: Photos of the sites were shown. There is a request for an amendment to the preliminary PUD. Due to the request on the next case Doernenburg suggested reviewing this as Phase 1 only as the township did. Phase 1 includes both tax parcels at approximately 22 acres. There are three storage units proposed for Phase 1 (#6, 10, & 15), two (#6 &
#10) will be 66’x126’ and the third (#15), 50’x150’. Parking is provided for each unit and trees are proposed at 1 tree per 10 parking spaces. The height and elevation plans as well as the landscape plan were provided on 2/26/18. Howard Road access is via an existing approved commercial driveway. All perimeter setbacks are met for the Phase 1 storage buildings. A revised drainage plan was provided on 4/24/18 and meets Zoning Ordinance standards with an estimated cost of $26,856. A revised drainage plan was submitted just prior tonight’s meeting based on the discrepancies noted during the Bear Creek Township Planning Commission’s meeting. A PUD management plan is needed. The draft PUD agreement was provided to the applicant and also reviewed by Civil Counsel. It needs to be reviewed by the Planning Commission. The approved preliminary plan was shown as was the proposed preliminary PUD plan. There are significant amounts of retaining areas required due to the steep grade from the top to the bottom parcel. Phases are shown on the detailed plan as well as elevations and landscape plan. Height of the buildings are proposed at 16’. Landscape graphics and elevation renderings were shown. Signage and lighting will need to be reviewed by the Sign & Lighting Committee and are not a part of this review. River Road: There has been a letter received from Ryan Fettig, neighbor, who is opposed to parts of this request. He is concerned with hours of operation and enforcement. The approved use is for Forest Product Processing. There is storage area provided for logs and wood chips. The other materials shown on the plan such as stone and topsoil are not approved. The township has recommended approval without those uses allowed. A revised plan submitted just prior tonight’s meeting removes those additional uses. There are wetlands on the property and they are identified on the plan. The processing area is proposed on dirt surface; was previously proposed as gravel. The access has been approved by the Road Commission. The perimeter setbacks are maintained except for the access between parcels. There is no proposed use within the 50’ perimeter setback on the north side. There is no impervious surface noted on the drainage plan. A PUD management plan is needed. There were concerns at the township board level and they asked that those concerns be brought to the Planning Commission. Draft minutes from the board meeting were handed out. Excavation has already occurred on the property. The drainage plan was not complete at the township meetings but has now been provided. There has been concern about the wood chipping and grinding that was approved and was supposed to occur shortly after the approval. There is concern about the noise for that use. A timeline for restoration on the south property line on the River Road side is also a concern. The plans were shown for this site.

Robert Drost, applicant, read a statement. He noted that the drainage plan is now complete and apologizes for the late submittal. They’ve done a lot of land management to the site to ready the site for the forest production. The grinding will be limited to three times per year and a unit will be brought to the site to process the product into mulch and hauled off. They have a utility facility that will be taking 200 tons per month. They are looking for a good use for them rather than them being dumped. As for the schedule of reclamation, the south property line is a top priority. As to the question of encroachment, Drost stated that they will fill and grade to a 3:1 slope, seed with roadside mix and hydro mulch to stabilize within 45 days. The retaining wall will be constructed on the west side of the parcel and will be either poured concrete or bin block. This will also be stabilized with the roadside mix and hydro mulch. It will be 12’ in height sloping down to grade and should be completed by this time next year. Hours of operation will be M-F, 8am-5pm. For brush grinding, M-F, 8am-5pm three times per year, 15 days per year total. Drost estimated this would be done sometime in May, September, and January. This will be the only extra noise above vehicle traffic.

Doernenburg stated that the PUD agreement doesn’t have hours of operation listed. It should be added to #21 as should the language be changed in 21 H) to note that the stock piles shall not exceed the area on the 5/3/18 site plan.

Neal asked what the next step is. He stated that it feels like it is morphing as we go through the
process and there are changes proposed that aren’t even approved yet. Doernenburg explained that the next case is only to request a change to the perimeter setback. Everything in Phase 1 meets the required setbacks. Additional phases would be required to come back before this board. If the preliminary were to be approved, it would also have to come back for a final approval. This could happen at once or in phases when ready.

Scheel asked how we can make sure that we approve a 50’ perimeter setback for Phase 1 tonight rather than the confusion. Doernenburg noted that the motion could state that no modifications to the perimeter setback have been approved.

Eby opened the floor to public comment.

Ryan Fettig, owner of adjacent property, stated that he wrote a letter. He appreciates the hours of operation being stated. His concern is whether the guidelines will be followed. He doubts it as they are entering their busy season. This is very close to a residential area and is about 250’ to his driveway. There is a sports complex just down the road. Fettig stated that he doesn’t believe this is needed as there are several similar operations within a five-mile radius.

Laughbaum asked about the proposed change in the perimeter setback; does this change anything on the City property. Doernenburg stated that there is nothing in Phase 1 that would occupy that space. Phase 2 with the revised plan would have buildings that encroach in that area. Urman stated that he thought that the plan showed a 20’ perimeter setback. Doernenburg stated that that is the plan for the next case. Phase 1 has nothing in the setback area. The reason for requesting only Phase 1 is because of that reason. If the setback line is approved, there will be no changes to Phase 1. The landscaping is interior and on the detailed plan. There are trees at the rate of 1 tree per 10 parking spaces scattered throughout the parcel. Urman asked if a boundary/security/safety fence for the parcel should be required. Kids could get into the parcel and into log storage; could be a safety issue. There were concerns at the township for screening at the River Road entrance. Scheel asked Urman where he wants the fence. Urman stated that he would like it 5’ into the property on the southerly boundary. Scheel stated that he sees his concern but doesn’t see the value. This is a large parcel and someone could come in at any direction. He is not sure the value to cost is there. Urman stated that the concern was because that piece is residential. The other surrounding parcels are either FF or I zoned. Doernenburg stated that if the fence is something that moves forward, it should not be 5’ from the property line but rather in the vegetated area so that trees are not removed to place the fence. The property line is to be marked to be sure that the perimeter setback is maintained. The electrical pole is at the 50’ point.

Scheel made a motion to approve PPUDF18-01, Robert Drost for Final Planned Unit Development and Site Plan Review for PHASE 1 only on property located at 2157 Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township, tax parcels 24-01-19-17-000-005 & 019, as shown on the Proposed PUD Plan dated Received Apr 6 2018 and including the detail site plan and drainage plans dated Received May 3 2018 because the standards for the Preliminary and Final PUD have been met, and the uses include all previously approved uses, being Forest Products Processing plus storage because the plan is consistent with the adjacent land uses, the proposed uses are consistent with the rezoning and the PUD Preliminary Plan, there would be no adverse physical impact on surrounding properties and the standards of Article 17 and Section 20 have been met and approval includes all conditions as shown on the draft PUD Agreement dated March 12, 2018, on condition that the 50’ perimeter setback will be maintained for Phase 1, no other materials are allowed to be stored other than the log storage (no soil, rock, or crushed stone), within 45 days the River Road property is to be restored and reclaimed as stated by the applicant on 5/3/18, brush chipping is restricted to three times per year (15 days total), and will be done Monday through Friday, 8am-5pm, regular business hours...
will be M-F, 8am-5pm, a performance guarantee in the amount of $26,856.00 will be required, and there will be a limit of one semi-truck per day leaving the site. The motion was supported by Neal.

Drost clarified that the limit on semi-trucks is just for the large semis, not for their regular vehicles. Scheel responded, yes. Urman asked if the safety fence can be added to the motion. Scheel stated that he sat through the township meetings and didn’t hear this as a concern so he is not adding this to the motion. Eby stated that Urman could request that his concern about safety issues be included in the minutes so that it puts any liability onto the applicant. Urman asked if we can just ask the applicant to put the fence in. Eby stated that the motion on the table does not include the fence. Urman requested that the safety concerns be included in the minutes and suggested the applicant take necessary safety precautions.

After discussion, the motion passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

4. Case PPUDF18-002 Robert Drost, AMENDMENT TO PRELIMINARY PUD, FINAL PUD, & SITE PLAN REVIEW, 2157 Howard Rd, 2165 Howard Rd, and adjacent parcel River Rd, Section 17, Bear Creek Township

Notice: A two-part request by Robert Drost for an amendment to the Preliminary Planned Unit Development (PUD) for 2157 Howard Road, 2165 Howard Road, and an adjacent vacant parcel accessed via River Road all located within Section 17 of Bear Creek Township. The property located at 2157 Howard Road and vacant parcel fronting River Road are zoned Planned Unit Development and include tax parcels 24-01-19-17-100-019 and 100-005. Part 1 of the request is to reduce the perimeter setback from 50 feet to 20 feet along the north property line of tax parcel 24-01-19-17-100-019 and the west property line of tax parcel 24-01-19-17-100-005; both adjacent to the City of Petoskey’s property being tax parcel 24-01-19-17-100-018. The second part of the request is to add to the Preliminary PUD 2165 Howard Road, being tax parcel 24-01-19-17-100-020. The property is currently zoned FF-1 Farm and Forest and the request would be to include this property in the PUD maintaining the fifty feet side setback for buildings, allowing the driveway in the perimeter setback (with a 30’ setback) and allowing all FF-1 Farm and Forest Principal and Special Land Uses and Storage Uses on the property. Review is per Articles 8, 17, 20, 21, and 26 of the Zoning Ordinance. If the Preliminary PUD amendment is approved, the Final PUD Plan Review will follow at future meetings held the first Thursday of each month.

Packet Items: request & location map, application, tax parcel map, impact statement, 4/6/18 letter from applicant, 2/21/18 letter from Road Commission, site plan review checklist, 4/18/18 zoning evaluation form, 4/6/18 master plan of site, 5/3/18 drainage plan, revised blow up of site 5/3/18 letter from Ryan Fettig,

Doernenburg presented this case and noted that the parcel to the south (2165 Howard Rd) has been verbally withdrawn from the request tonight. The current request is now for 2157 Howard Rd and the River Road parcel. The request is only to reduce the perimeter setback from 50’ to 20’. This was discussed with the applicant but he opted not to do this at the beginning. The proposal does not change the approved uses; it only changes the setback. The final review would be at the Board of Commissioners level. The township has recommended approval.

Bob Drost, applicant, stated that he was coached in the beginning to include this request but didn’t. He is now requesting a reduction in the perimeter setback which allows for a much more reasonable slope. The steeper sloped area will have to have soil erosion measures placed. They have a drainage plan now that incorporates more natural absorption. There is more natural drainage and more capacity. He stated that it was a good suggestion and he should have requested it from the beginning.

Urman verified that the southerly parcel on Howard Road is no longer part of the request. Correct. He stated that there were concerns at the township level on screening along the south border. Drost noted
that more could be planted if they gain the 30’. Urman asked if the road location will change. Drost stated that the road stays where it is. Urman asked if there will be screening at the road. Drost stated that there will be; the larger trees do a great job. Urman asked Drost if he would be willing to consider the safety fence on the southerly property line. There have been incidents with snowmobiles on properties in the past. Drost stated that he would need some time to determine the cost and where to put it. Urman stated that it would only need to be a safety fence; 6’ high chain-link fence. Drost stated that people wander, he’s not sure that this will keep them off of the property. Eby asked Drost if he will use due diligence to keep trespassers off of the property. Drost stated that yes, he would.

Eby opened the floor to public comment.

Steve May, 2282 Howard Road, stated that he is opposed to changing the setbacks. Everyone else has to comply with the setback requirements.

Jane May, 2264 Howard Road, stated that she is opposed. They wake her up at 6am with their equipment; she’d like to see them comply with the hours of operation that they’ve stated. He is already doing things without permits, how does he get away with that? She is sick of it.

Laughbaum stated that he doesn’t know anything about the landfill property. He is all about using property but asked what the chances of him excavating into what is under the landfill? Doernenburg stated that the City did ask for the details on this proposal but they opted not to comment and were not going to oppose the request. There may be plans for a possible use but nothing has been finalized. Laughbaum asked how high of a retention bank would be against the landfill. Drost stated that there is no difference proposed than what exists today. Scheel stated that this request doesn’t negate landscaping or screening requirements. Doernenburg confirmed all would still be required.

MacInnis made a motion to approve Case PPUD18-02, Robert Drost for a Preliminary Planned Unit Development amendment on properties located at 2157 Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-005, & 019, as shown on the Proposed PUD – Preliminary Development Plan dated Received Apr 6 2018 because the standards for the Preliminary PUD have been met, and the uses include all previously approved uses, being all FF Farm and Forest permitted and special land uses plus storage buildings because the plan is consistent with the adjacent land uses, the proposed uses are consistent with the rezoning and the PUD Preliminary Plan previously approved, there would be no adverse physical impact on surrounding properties and the standards of Article 17 have been met and approval includes all conditions as shown on the draft PUD Agreement dated March 12, 2018. This approval modifies the perimeter setback from 50’ to 20’ on the north and west property lines. This motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Scheel, Laughbaum, Urman, MacInnis. No: Neal, Drier, Alexander. Absent: Scott

5. Case PSUP18-002 Susan & William Klco, Special Use Permit-Home Occupation, 910 N Lamkin Rd, Section 36, Readmond Township

**Legal notice:** A request by William and Susan Klco for a Special Use Permit for a Level II Home Occupation at 910 N Lamkin Rd. Section 36, Readmond Township. The property is zoned RR Recreational Residential and is tax parcel 24-12-07-36-102-003. The request is to allow for an artist’s residence with studio open to the public on up to two Saturdays per month during May through October and the review is per Section 26.11 of the Emmet County Zoning Ordinance.

**Packet Items:** request & location map, tax parcel map, application, home occupation use plan/impact statement, site plan review checklist, 1/23/18 Level 1 Home Occupation permit and site plan, 4/12/18 email from Susan Carson, 4/13/18 email from John Carr, 4/13/18 email from Nona Carr, 4/14/18 email from Sheridan Jones,
4/14/18 email from Bill Hosterman, 4/15/18 email from David Vaughn, 4/17/18 email from Kirsten Furlong, 4/17/18 email from Ernest & Beverly Bouck, 4/17/18 email from Jeffrey Jones, 4/18/18 email from Jeffrey Jones, 4/19/18 email from Barbara & Dennis Aylward, 2/11/18 driveway permit, site plan, boundary survey, excerpt from ZEA, 4/19/18 zoning evaluation form, 4/27/18 revised zoning evaluation form, summary of written comments, 4/25/18 email from Cici Bauer, 4/25/18 email from Jeffrey Jones, 4/24/18 email chain from Jeffrey Jones with other neighbors, 4/24/18 email from Jeffrey Jones, 4/24/18 letter from Randel Richner & Eric Russell, 4/23/18 email from Donna Scarpuzza-Jones, 4/19/18 letter from Victoria Powers & David Horn, 4/19/18 email from Roland Krause, 4/23/18 email from Megan Klcio Kellner, 4/21/18 email from Trina Hayes, 4/22/18 email from Pat & KC Dobson, 4/23/18 email from Stephanie & Richard Guyor, 4/24/18 fire dept. letter, Readmond Twp. PC draft minutes, 4/25/18 letter from Donna Scarpuzza-Jones, 4/30/18 letter from Ami Woods, 4/30/18 email from Judy Greenberg, 4/30/18 email from Jeffrey Jones, 5/1/18 email & letter from Nancy Thomas, 5/1/18 email from Annette Moriarty, 5/2/18 email from Emily Fox, Patricia McKay, & Ted Fox, 5/2/18 email from Peg Bodt, 5/3/18 email from Rich Richner.

Doernenburg presented this case. The location map was shown. She explained that Lampkin Road is situated quite a bit lower than N Lake Shore Drive. The parcel is currently vacant. Permits to construct a residence and an accessory building have been submitted. Zoning permits have been issued for both buildings. The site plan was shown. Doernenburg explained that she administratively approved a Level 1 Home Occupation permit with specific standards placed on approval. When the applicants applied for their building permits this permit was questioned. The Building Department didn’t feel that this was a home occupation and this made Doernenburg re-think her approval of the permit. Doernenburg stated that she went to Civil Counsel and went through the ordinance and her approval. There is a provision in which the Administrator can take the case to the Planning Commission for their review. She contacted the applicants who came in and applied for a Level 2 permit right away. This does require the Planning Commission review and this is how the case was advertised. Nothing has changed on the plans at all. The request remains for an artist’s residence and a studio in the accessory building. Artists will stay in the cottage and do their work in the studio/accessory building, 1-4 people at a time for a couple of weeks. On Saturday’s 1-2 times per month, they will hold open studio hours to the public from 10am-2pm. Less than one vehicle per day expected on average. The maximum sized sign permitted is 2sf for a home occupation although no sign has been proposed. The driveway has been reviewed by the Road Commission and approved as a residential driveway.

Doernenburg stated that several letters have been received both in opposition and support of this project. Some of the letters stated that they wanted them read at the meeting. Doernenburg explained that this request has been reviewed in the past by Civil Counsel and it was indicated that the letters did not need to be read at the meeting. All of the letters received have been distributed to the Planning Commission members. Doernenburg explained that a packet of information was sent out two weeks prior to the meeting, another about a week prior, a third this morning, and a fourth on the desks tonight. Doernenburg went through a summary of the letters received. She noted that several people indicated that they did not support a re-zoning of the parcel. She stated that this is not a rezoning. It is a home occupation which is a special use permit and is allowed in any zoning district. The Zoning Enabling Act specifically addresses allowing for artists within your ordinance. Some letters indicated that they felt this was spot-zoning; which it is not because it is not a re-zoning. Doernenburg noted again that several letters have been received over the past several weeks even up until today. Doernenburg showed the survey of the property and pointed out the access. The home occupation use statement was filled out in January. The Readmond Township Planning Commission did review this case and recommended approval after a lengthy discussion on a 5-2 vote. The Readmond Township Board unanimously recommended approval. The draft minutes were passed out. There were some comments that the neighbors felt that they should have been notified in January. Doernenburg stated that the Level 1 is an administrative approval and does not require neighbor notification or Planning Commission review. They are here now asking for the expanded approval because of concerns that were raised. Doernenburg read each of the names of people who had sent letters and summarized
their comments. The PowerPoint slides showed the same.

Susan Klco, applicant, passed out information including a letter, an artist contract, and elevation sketches. She read the letter. She noted that there had been concerns about parking. The driveway is 100’ long and additional parking was pointed out on the site plan. Saturdays are drop-in situations; this is not a gallery, there will be no sales, and there is no charge for entry or to the artists.

MacInnis asked if the original approval was based on the assumption that this would just be a residence since their primary residence is used for a similar activity now. Doernenburg stated that the request before the Planning Commission is the same as presented to her in January when she issued the Level 1 permit. She advertised it as a Level 2 in order to bring to the Planning Commission for their review when the questions were raised. MacInnis asked why they are applying for this permit if they are already doing this at their primary residence. Klco stated that their location is not open to the public. Doernenburg stated that she felt that the use as a whole falls into the Level 1 permit. When she consulted Civil Counsel she was advised and decided the best course of action was to take the request to the Planning Commission as provided in the Zoning Ordinance in Section 26.11, paragraph G. It was advertised as a Level 2 at that point to be able to review the request thoroughly.

Laughbaum stated that the occupant of the house is not the one that will be running the home occupation; the renter would be. Doernenburg stated that the ordinance says the occupant or family living on the premises shall conduct the home occupation. Urman stated that typically the same person is running the home occupation.

Neal stated that it seems pretty innocuous as proposed however, would this permit stay with the property if the use changes? Doernenburg stated that the home occupation permit is specific to the use and couldn’t be changed unless it came back before the Planning Commission. An approved use does run with the land and doesn’t change with ownership. If the Planning Commission is looking to approve the case then the information that was received tonight should be noted in any motion as well. Neal stated that the contract seems to include good rules.

Drier asked if they are advertising the open studios to the public. Klco stated that it was on the website however they have now removed that and will replace with their phone number for further information. She stated that she understands that she needs to limit and control the number of people coming. Drier asked what the plan would be if they were over capacity. Klco stated that they would accommodate those that they could and would have to turn away the rest. Either she or her husband would be onsite to do this if needed although she doesn’t anticipate this issue. This is more of a small, quaint thing that the local people can utilize. It is not broadly advertised. Neal stated that perhaps the reason it sounds scary to neighbors is because it is going from invitation only right now to open. Klco stated that they have been very responsible at their current location and have had no complaints from neighbors. They will continue to be responsible.

Scheel inquired about signage; Klco had indicated that there would be no permanent signage. What is temporary signage? Doernenburg stated that the Zoning Ordinance does not have a temporary sign use. The Level 2 would allow for a 2sf sign. Klco stated that she would happily say no signage at all if that helps. Scheel stated that the contract should be included as a part of the record. The motion should also include local advertisement, no sales, and no parking along the road.

MacInnis noted that it seems that amongst the many letters, most of the supporters were not immediate neighbors where most of the opposition were immediate neighbors. This reflects the concerns of people that live nearby. He stated that he has been trying to picture how he would feel if this was in his subdivision. He stated that he counted about eleven letters of opposition from people nearby; they
have concerns that the activity will be busier than what they would like on their street.

Alexander stated that he didn’t know the geographic layout of where all of the letters came from. Doernenburg noted that the letters received up to the date of the Readmond Township meeting were summarized both in content and location by the Readmond Township Planning Commission Chair; this document was updated and sent to the Emmet County Planning Commissioners in their supplemental packets. Scheel stated that most that support aren’t neighbors and those opposed are. This doesn’t necessarily mean that it shouldn’t happen but their concerns should be addressed.

Laughbaum stated that the idea is that people come and enjoy the art. Things could get out of hand with too many people there. How do you police this with artists there that may not speak English? What stops them from having a garden party while they are there? Do you say that only a certain number of people can come? This has been an issue in the past. If we approve this, it will definitely set a precedent.

Neal asked if the Building Department will set an occupancy load? Doernenburg stated that they will. Neal stated that maybe in order to limit the number of people they could make an announcement that the first 20 people will be ticketed in order to restrict the numbers and control it.

Scheel asked if she could share the occupancy load. Doernenburg stated that she doesn’t have that information.

Bill Sutton, Readmond Township Planning Commission Chair stated that this was one of his more interesting meetings. It was long and there were many people there. He noted that a Level 1 and Level 2 Home Occupation permit is almost identical. The difference is just that if the Zoning Administrator feels that it is clear cut and can be approved they can sign off on it. A Home Occupation looked at under a Level 2 permit has characteristics that may need to have additional scrutiny and these are referred to the Planning Commission. When this case came in he stated that he had a hard time figuring out how to deal with it. He spent some time with the rules and regulations for this type of use. The Zoning Enabling Act is very specific and allows and requires that this type of use be considered. The intent of the RR section was read by Sutton as was the definition of an art studio and home occupation. The main piece of this definition is the ‘for gain’ section. This project is gratis to the artists and the public; there is no gain. Accessory uses assumed include customary accessory buildings and their uses and are permitted under Section 22.01 provided the setbacks and floor areas are met. Section 26.11 was reviewed. The key section is D which is what was focused on at the township in regards to parking and traffic. They heard from the applicants and the neighbors. James Godzik of the Road Commission visited with the township supervisor on site and agreed that the site will support the parking needed for the proposal. This meeting happened after the Planning Commission recommended approval. They heard the case for 1.5 hours and voted 5-2 in favor with many comments both pro and con. The Road Commission has approved the driveway. The Township Board reviewed last night and recommended approval unanimously. The motion was a little unique, the draft motions were provided as well as the Level 1 Home Occupation permit. The board felt that this met their requirements and added that the SUP would be revoked if provisions are violated. The County provided draft motion including the home occupation permit and those revocation provisions were adopted. Sutton stated that they have been good neighbors and live in the community. This is not a new project and has been doing this for four years. They have a good idea of how to do this. It is important to them and they won’t do anything to deny the sanctity of the neighbors.

Drier stated that at the time of the township review it was noted that there were 5 unfavorable and 13 favorable letters. There are more than this now. She asked Sutton, with this in mind, is there any consideration that the case should go back to the township for further review. Sutton stated that they
received responses from 6-7 people within 300’ of the property lines. There has been a lot of discussion behind the scenes of property owners notifying one another; he doesn’t feel that the County was lax in their required notification at all.

MacInnis asked Sutton if we were to grant this and the township had second thoughts about what had happened, if there was something that caused them to regret approving, could you do something about it and if so, how would this happen. Doernenburg stated that the County has zoning jurisdiction as well as enforcement jurisdiction. The township only recommends approval or denial to this board.

Laughbaum asked about the average traffic. Is there a limit on a certain number of cars per day or at once? It seems that we are getting a warning more so than we are being asked for permission. He stated that the neighbor down the road from him was an artist for years, people can play guitars on their back porch; all of this done without permits. Perhaps someone famous will come to this location and bring people in and change the traffic flow or maybe it won’t effect it at all. What you have is more of a commercial enterprise under the guise of a home occupation. Alexander stated that if owners are doing this vs bringing people in, he feels this is different. Laughbaum stated that he doesn’t think that we can give them everything that they want under a home occupation. He doesn’t want to get down the road and just because someone is doing something in their house and needs a permit; this can cut both ways. Alexander asked since this has been going on for several years has there been any complaints or problems? Sutton stated that they haven’t registered any.

Gordie Kruskie, Readmond Township Supervisor, stated that the responses he’s gotten from people he talked to for the most part are supportive of the request.

Eby opened the floor to public comment.

Ernest Bouck stated that he is concerned about what the building sizes are going to be and whether they would increase his property value. The applicants have been clearing the property since Tuesday. He pointed out his location along with other dissenting neighbors on the map noting that the neighbors all around the property are opposed. The support letters are not from neighbors. He stated that the Klcos should keep doing what they are doing at their current location and not bring it down onto Lamkin. This is where many go to have their summer vacations. Local people know where art can be viewed. If this is allowed, then what is next? If they are owner occupations as it says in the law what is to say that they can’t do the same thing? He thinks that this can be challenged. The Klcos have already started to clear the lot; what happens if this is challenged in court? He stated that the County should talk to legal counsel before making a decision even if this means the request will be postponed to assure that the owner occupancy will pass muster. Bouck stated that he has nothing against the arts.

Donna Scarpuzza-Jones stated that she lives above the property in question. As they sit on their deck looking at the lake they can hear and see everything happening below them and can hear conversations on Lamkin Road. She stated that this is hard and feels that the Klcos have this in their heart. She and her daughter would have like to join in. She feels that it is optimistic to have no more than twelve cars in and out. It is a beautiful idea and they have a beautiful webpage, Facebook page, and Instagram account. They say that they have taken down the schedule but on the last page of the website this address and a map to it is listed. As to parking, if it is not on the road she is ok with it but it is still concerning. If they do exceed the parking limitations what is our recourse? Scarpuzza-Jones stated that they hadn’t planned on having to keep tabs on this or have a public facility below them. They have no problem with the residence but open houses are very scary. They bought a single family home in an area of single family homes. This will affect us and our property values. If they were to sell, she stated that she would be morally obligated to disclose that there is a facility open to the public.
She stated that they wouldn’t have bought there if that existed when they purchased their home. This is between their property and the focal point of the area, the lake. They are requesting a legal change to the property use and not giving any limits in writing. It is a vague request and is scary and disruptive. Clear restrictions should be in place. Table or don’t pass this request. She thinks this is a wonderful idea but they didn’t think about how it impacts close neighbors.

Bill Sutton stated that Mr. Bouck discussed the term ‘owner occupancy’ and he wanted to clarify that the term is ‘home occupation’.

James Bodzik, Emmet County Road Commission, stated that there were concerns with a business being there and parking. He spent time on site with the applicants and the Township Supervisor. They explained the proposed operation. They have adequate space for 2-3 parking spaces. This is out of the scope of the Road Commission as it is not located in the road right-of-way. It is considered a natural beauty road so if they did want to expand onto the shoulder, this would not be allowed. They will be putting new language into the residential permit that was issued that states if they ever do decide to do more with it in the realm of sales or if the property changes hands to run a business they will have to comply and make the access into a full commercial access and would be reviewed at that point. At this time they aren’t selling any goods and parking seems to be met.

Susan Klco stated, in response to the comment regarding policing artists that don’t speak English, that either her or her husband would be present and they are quite fluent in English. The neighbors all around them now approve of the activities and are very positive. As for the land clearing, they have had all of the required permits in place since January. They have operated honestly and up-front. Land clearing is not against any laws. There has been misinformation spread through the community. They are not having concerts and are not a commercial venture. The quiet is what the artists are seeking. There will be no parking along the road.

Cici Bauer, stated that she lives adjacent to their present location and has had no issues and no parking issues. The Klcos are always on site and are welcoming to people. As the closest and most direct neighbors she stated that they are very conscientious.

Annette Moriarty stated that it is so quiet in Good Hart, you’d never know that there is an artist there. There is more noise from the neighborhood dogs. There are people parking on Lamkin for church open houses/brunches and can be up to 20 cars up and down that area. Most local people walk to the space now. Nothing there has a price tag and is not being sold. Neighbors get to enjoy the art. There are more complaints with the many guests of rental cottages in the area.

Donna Scarpuzza Jones stated that they have ample parking now because it is invitation only and they know what to expect. A facility open to the public is different.

MacInnis stated that the Readmond Township Planning Commission and Board are thorough. It was debated twice in their own community amongst their own neighbors. As many reservations as he may have he stated that he doesn’t feel that he can do a better job than what the township has already done. Sutton seems to be immersed into the issue and Kruskie is thorough. He is sensitive to the neighbors’ concerns but feels that since it has been debated locally twice that is significant.

Urman read from the home occupation section. The artist would be the occupant in this case. Urman stated that he has no issue with the arts but wonders if we are setting a precedent. Laughbaum stated that this is a change from the home occupations that we normally review. He is not trying to make a mountain out of a molehill but it is a change. Are they asking for permission for something that they don’t need? Are we supposed to accommodate them? Is it a hobby since they aren’t charging anything? It is a benign use to him as long as the traffic is under control. There are places for certain
kinds of arts and they aren’t in the country.

Drier stated that Scheel discussed incorporating the contract into our motion. Should it be pared down or looked at in its entirety? Eby stated that those parts of the contract that relate to zoning should be our concern. Drier asked if it could be terminated if violations occurred. Doernenburg stated that if violations occur, we would then go through the enforcement process. Sutton stated that there is language to the home occupation permit as well as a written contract between the tenant and the Klcos. Laughbaum stated that we shouldn’t reference the contract as we are not enforcing it. They just have to meet the Zoning Ordinance standards. Scheel stated that in PUDs we have individual items related to zoning that are important. Doernenburg stated that we would not be enforcing their contract, we would only be enforcing zoning related items.

MacInnis made a motion to approve Case #PSUP18-002, William and Susan Klco, Special Use Permit for a Home Occupation to operate an Artist Residency at 910 N Lamkin Rd, Section 36, Readmond Township as outlined in the Home Occupation Use Plan dated 1/19/2018 and as shown on the site plan dated 1/23/2018 because the use meets the standards of Section 26.11, the use will not conflict with the residential character of the neighborhood, only people living on the premises may be employees of the home occupation, hours of operation may be as described in the Home Occupation Impact Statement, pertinent portions of the artist contract along with information from the applicant letter both dated 5/3/18 will be enforced, and no sign is permitted. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, MacInnis. No: Urman, Alexander. Absent: Scott.

6. Case PSUP18-001  Patrick Leitelt for ML68 Properties LLC, Special Use Permit- Contractor’s Use, 8737 M-68 Hwy, Section 12, Littlefield Township

Legal Notice: A request by Patrick Leitelt for ML68 Properties LLC for a contractor’s use at 8737 M-68 Hwy, Section 12, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-07-17-12-200006. The request is to change the use from one Special Land Use (Kennel/Grooming) to another (Contractor’s Use). The request is per Articles 8, 19, 20, 21, & 22 and Section 26.32 of the Emmet County Zoning Ordinance.

Packet Items: Zoning evaluation form, request & location map, application, tax parcel map, site plan review checklist, impact statement, 3/26/18 site plan, Littlefield Township meeting minutes, 5/3/18 site plan.

Doernenburg presented this case. A revised site plan was received today. The parcel is zoned FF-1 and is approximately 9.8 acres. The proposal is to change from one special use (Kennel/grooming) to another (Contractor’s use-landscaping/property maintenance). The original site plan was for a dwelling and a garage. The garage was built but the dwelling never was. Drost Landscaping originally started there but there was no record of approval other than a sign permit. The township thought that maybe they were approved as a nursery at that time. The existing structures include a mobile home, a 1200sf pole building, a 384sf accessory building, and an approximately 100sf accessory building. The site plan was shown. The parcel is partially screened from M-68 with landscaping. Twelve parking spaces are required and provided. The maximum sign permitted is 32sf; there is no sign proposed at this time. The sign on site can be used. The Fire Department review has been received verbally. Hours of operation have not been provided. MDOT review should not be required as it is commercial use to commercial use. Snow storage is shown on revised site plan. A waiver to storm water drainage has been requested due to the size and topography of the site as it is fairly flat. There is a dumpster on the site plan now; it would be required to be screened per Ordinance standards. The Township recommended approval.

Applicant stated that the hours of operation would be 7am-6pm M-F, with less than a dozen weekend days during the winter for snow removal.
MacInnis asked about the note on the top of the handouts stating that they aren’t allowed to access the site. Doernenburg stated that we are not allowed to access the sites unless authorized by the property owner. In this case they didn’t authorize access. The applicant stated that this was for personal liability issues. Doernenburg stated that we are reviewing how the request impacts the community from a public standpoint.

There was no public comment on this case.

Neal made a motion to approve Case PSUP 18-001, Patrick Leitelt for ML68 Properties LLC, Special Use Permit for a Contractor’s Use to operate a landscaping/property maintenance business on property located at 8737 M-68 Hwy, Section 12, Littlefield Township, tax parcel 24-07-12-200-006 based on the site plan dated Received May 3, 2018 for the following reasons: the site and the use meets the standards of Articles 8, 21 and Section 26.32, the use is screened from public view, the township has recommended approval, with the modifications allowed that the property is less than 10 acres, less than 600 feet wide, building limitations are allowed to be exceeded as proposed, and owner doesn’t reside on the property and on condition that the dumpster be screened as per Zoning Ordinance standards. The motion was supported by MacInnis and passed on the following roll-call vote: Yes: Eby Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

7. Case PSPR18-004 Elaine Keiser, Architect Inc for P&L Liquid Investments LLC, Site Plan Review-Amendment, 1844 & 1884 Harbor-Petoskey Rd, Section 27, Bear Creek Township

Legal Notice: A request by Elaine Keiser Architect, Inc for P&L Liquid Investments, LLC for Site Plan Review amendment at 1844 and 1884 Harbor-Petoskey Road in Section 27 of Bear Creek Township. The properties are zoned B-2 General Business and are tax parcels 24-01-16-27-400-017 & 020. The request is to allow outdoor seating, modify vehicle and bicycle parking, and reconfigure access from M-119. The review is per Articles 11, 19, 20, and 22 of the Emmet County Zoning Ordinance.

Packet Items: Request & location map, application, impact statement, site plan review checklist, email regarding drainage estimates, email regarding MDOT approval, zoning evaluation form, 4/9/18 site and drainage plans, Fire Department review, BCPC minutes.

Doernenburg presented this case. The parcels are both zoned B-2 and are the Petoskey Brewery and the former Coca-Cola bottling plant and warehouse on the corner of M-119 and Hiawatha Trail. There are no new buildings proposed. The outdoor seating is to be increased and the vehicle parking relocated. Bicycle parking is to be added. There will be no parking behind the Brewery but there will still be truck access. One drive entry off of M-119 to be eliminated and MDOT has approved this concept. Vehicle and pedestrian access between the two parcels is provided. Storm water drainage plan has been provided and meets ordinance standards. The site is connected to township sewer service and has an existing well and septic. Surrounding zoning was pointed out and includes B-2 to the north and south, R-2 to east and west. Parking standards are met; 50 required, 76 provided including 4 barrier free spaces. Doernenburg stated that there was a question regarding minimum and maximum parking at the township level. The maximum is exceeded because of unused area in the building that may be used in the future. There is ample snow storage shown on the plan. One outdoor light pole is to be relocated. No new signs are proposed. The Fire Department has approved the plan requiring a Knox box, exit signs for outdoor areas, and requirements for what items will be stored in the warehouse. The township has recommended approval. The Road Commission has reviewed the site.

Elaine Keiser, applicant, stated that there will be landscaping and lighting to make the warehouse look better. She has spoken with James Godzik about the Road Commission concerns and they have
discussed adding curbs which they will do.

MacInnis stated that the Brewery has turned out to be quite a successful venture. This is the third time it’s been a brewery since the 1800s. He thinks that this proposal enhances the site.

Urman asked if there are any further concerns with the Road Commission. James Godzik stated that because there is still to be truck traffic it didn’t make sense to narrow that driveway down. Curbing will be put in to protect the road. They will work closely with Benchmark Engineering to make sure that this goes smoothly.

Scheel stated that this is a great redevelopment of a large warehouse property. With that said, he has minor concerns about pedestrian traffic and having to share with both pedestrian and vehicle traffic. There aren’t a lot of sidewalks and there will be a lot of drives that will have to be crossed. He stated that there isn’t much that can be done about it but it is bothersome.

There was no public comment on this case.

Urman made a motion to approve Case #PSPR18-004, Elaine Keiser Architect, Inc for P&L Liquid Investments, LLC, for outdoor seating and expanded parking on property located at 1844 & 1884 M-119 Hwy, Section 27, Bear Creek Township, tax parcel 24-01-16-27-400-017 & 01-16-27-400-020, as shown on the site plan dated Received April 9, 2018 because the standards of Articles 11, 20 and 22 of the Zoning Ordinance have been met, and on condition that the exterior lighting be full cut-off and mounted horizontally as required by the Zoning Ordinance, and that a performance guarantee in the amount of $4000 be provided as required for the drainage standards (Section 20.05 G.) before a Zoning Permit is issued, because the township recommended approval, and on condition that the Fire Department requirements are met. The motion was supported by Scheel and passed on the following roll-call vote: Yes: Eby, Neal, Drier, Scheel, Laughbaum, Urman, MacInnis, Alexander. No: None. Absent: Scott.

8. Case PSUP18-003 Jason Smith, Special Use Permit-Contractor’s Use, Powers Rd, Section 17, Littlefield Township

Legal Notice: A request by Jason Smith on property currently owned by Griffin Family Trust for a contractor’s use on Powers Road, Section 17, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-07-17-100-048. The request is to construct a pole building to be used as a contractor’s storage for landscaping & snow removal business. The request is per Articles 8, 21, and Section 26.32 of the Emmet County Zoning Ordinance.

Packet Items: Request & location map, application, tax parcel map, site plan review checklist, impact statement, zoning evaluation, 4/9/18 plans (site, elevations, topo), township minutes.

The applicant requested that his case be postponed to allow time to assess access concerns. No one was present to comment on this case.

IV Public Comments: None

V Other Business:

1. Enforcement Report- Distributed; no discussion.

2. Accessory Uses in FF-1 & FF-2- Doernenburg stated that an updated draft was in packets. The next step would be publishing a notice for public hearing if the draft is acceptable. Neal made a motion to authorize staff to publish the proposed amendment for public hearing. The motion was supported by Scheel and passed unanimously via voice vote of the members.
present.

3. **Winery**: No new information or discussion.

4. **Communications-Letter from Julianne Michaels, 3030 Beckon Rd-Doernenburg** stated that this was correspondence regarding Blissfest. She did note that there will be a request likely next month coming in regarding Blissfest as well. Drier stated that there is a Blissfest review committee meeting in May. James Godzik with the Road Commission stated that they have been in contact with the Road Commission regarding their plans.

**VI Adjournment**

There being no other business Eby called the meeting adjourned at 10:45 p.m.

James Scott, Secretary ____________________________  ____________________________ Date
REQUEST

PPUDF18-01

A two-part request from Robert Drost for 1) amendment to the Preliminary Planned Unit Development (PUD) and 2) a Final PUD and Site Plan Review for 2157 Howard Road and an adjacent vacant parcel both located within Section 17 of Bear Creek Township. The property is zoned Planned Unit Development and includes tax parcels 24-01-19-17-100-019 and 100-005. The permitted uses include FF-1 Farm and Forest Principal and Special Land Uses, Storage Uses and Multiple Family Uses; the proposed uses are Storage on parcel 100-019 and Forest Product Processing on 100-005. Review is per Articles 8, 17, 20, 21, and 26 of the Zoning Ordinance.

LOCATION
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 05/23/2018  CASE #: PPUDF18-01

APPLICANT: DROST ROBERT A & DIANA M TRUSTS

PROPERTY: 2157 HOWARD RD (01-19-17-100-019) & vacant parcel accessed via River Road (100-005)

TOWNSHIP: BEAR CREEK

REQUEST: Planned Unit Development – Final PUD Plan

FACTS:
• This request is a review of the Final PUD for tax parcels 24-01-19-17-100-019 & 24-01-19-1-100-005. It includes a modification to the perimeter setback along the north property lines and west property line of 100-005 (if approved by the BOC on 5/24/2018).
• There are two previously approved SUPs on parcel 100-019 (Level III Resource Extraction and a Single event (up to 5 days) log chipping).
• This review is for Final PUD and Site Plan Approval of the entire site as shown on the site plan dated received 5/23/2018.
• The proposed uses have not changed – Forest Product Processing and Storage Buildings.
• The properties have frontage on both Howard and River Roads.
• The Emmet County Road Commission has approved the Howard Road access and River Road access.
• Review includes the previously provided landscape plans, changes to the Phase 1 screening on the River Road property, and buildings as shown on the 5/23/18 plan.

ZONING ORDINANCE STANDARDS:
Planned Unit Development Standards apply – see Article 17 of the Emmet County Zoning Ordinance

A. Compliance with District Requirements
   All buildings meet PUD setback standards.

B. Vehicular and Pedestrian Circulation
   Vehicle access provided. Parking provided in front of each building.

C. Emergency Vehicle Access
   Drives modified during preliminary review to accommodate fire chief concerns. Coordination with Knox Box will be necessary.

D. Loading and Storage
   No outdoor storage shown on the plan or permitted. No loading areas shown.
E. Snow Storage
Snow storage will need to be managed on-site. Attention to south boundary will be needed to assure no trespass onto the adjacent property.

F. Buffers
Screening shown on the north and west boundaries. Existing vegetation to be maintained (or replaced if removed) as shown on the site plan.

G. Drainage
Sealed drainage plan provided.

H. Spaces, Rights-Of-Way, Easements
None apparent.

I. Waste Receptacles
None shown. If desired, require screening.

J. Mechanical or Electrical Equipment
None shown. If desired, require screening.

Draft Motion:

To Approve PPUDF18-01, Robert Drost for a Final Planned Unit Development on properties located at 2157 Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-005 & 019, as shown on the Proposed PUD Plan dated Received May 23 2018 because the standards for the proposal is consistent with the Preliminary PUD. Approval includes all conditions as shown on the draft PUD Agreement dated May 4, 2018. Hours of operation for the entire site are to be no more than Monday through Friday 8AM-5PM except that there may be limited access to the Howard Road site via the secure gate entry, deed restrictions for the Howard Road property/storage buildings must be reviewed by the Zoning Administrator prior occupancy of any buildings (conditions, modifications, or statement of facts may be inserted here).

To Deny PPUDF18-01, Robert Drost for a Final Planned Unit Development on properties located at 2157 Howard Road and a vacant lot fronting River Road in Section 17, Bear Creek Township, tax parcels 24-01-19-17-100-005 & 019, as shown on the Proposed PUD Plan dated Received May 23 2018 because (reasons must be added here)...

REQUEST

PSUP18-004

A request by Blissfest Music Organization for a Special Use Permit for a Recreation Area including temporary camping with parking on property located at 3510 Division Road, Section 1, Cross Village Township. The camping/parking would be limited to three days corresponding with the time frame of the Annual Blissfest Festival event, and under the same conditions as the consent judgment. The site, zoned FF-2 Farm and Forest, is tax parcel number 24-05-08-01-300-013. The request is per Section 8.01 and Article 21 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzc@emmetcounty.org

APP 5/1/18
DATE RECEIVED $ 500.00
APPLICATION # 5/17/18
DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name: Blissfest Music Org. Phone: 231-388-6289
Applicant's Address: 522 Liberty St, Petoskey, MI 49770
Applicant's Email Address: jim@blissfest.org

Owner's Name: Blissfest Phone: 231-388-6289
Owner's Address: 522 Liberty St, Petoskey, MI 49770
Owner's Email Address: jim@blissfest.org

JOB SITE LOCATION:
Township: Cross Village Tax Parcel #: 24-05-03-0-300-01-3
Address: 3510 Division Rd, Harbor Springs, MI 49740

ZONING REQUEST:
Planning Commission:
Special Use Permit ☑
Site Plan Review ☐
Planned Unit Development ☐
Zoning Map Change ☐
Zoning Text Change ☐

REQUIRED USE INFORMATION
Ground floor area main building: N/A Sq. Ft.
Floor Area accessory building: N/A Sq. Ft.
Lot/Parcel Size: 2.5 Acres 15,360 Sq. Ft.
Site/Plot Plan required*
2 full sized & 14 reduced sized (max 11"x17"")
site plans required for Planning Commission cases.

Date Submitted
Elevation Drawing ☐ N/A Site Inventory ☐ 5/11/18
Engineered Drainage Plan ☐ Fire Dept Approval ☐
Soil Erosion Permit ☐ Wetlands Permit ☐
Health Dept. Approval/ ☐ Road Commission/ ☐
Sewer Taps ☐ MDOT Approval
Other:
As owner/and or applicant representing the owner, I do ☑ do not ☐ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times. Please call ahead. Jim 231-388-6839

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant: Jim Gillespie
Printed Name of Applicant: Jim Gillespie
Date: 5/3/18

*Required Signature of Property Owner
Signature of Property Owner: Blissfest Music Org
Printed Name of Property Owner: Blissfest Music Org
Date: 5/3/18
Hi Tammy, Jim Gellespie stopped by yesterday with potential temporary campground maps. The temporary campground rules would apply and I see no reason that such a plan would not meet the MDEQ criteria for such approval. Typically, the temporary campground permit would require that adequate toilet facilities, water sources and other rules be complied with.

Jim wanted me to pass along acknowledgement to you regarding the proposal, that it could be conceptually approved.

Thanks, Dan.

Daniel Begnoche RS
Environmental Health County Supervisor
Health Department of Northwest Michigan
3434 Harbor Petoskey Rd.
Harbor Springs, MI 49740
Office (231) 347-4638
Fax: (231) 347-2861
www.nwhealth.org
Impact Statement

Blissfest Music Organization (Jim Gillespie), Phone 231-838-6239  Case #

Project Title: Blissfest SUP Recreation Area Proposal
(Temporary Camp Ground and Parking area during the Annual Blissfest)
Blissfest Music Organization, 522 Liberty St., Petoskey, MI 49770
Tax Parcel #: 24-05-08-01-300-013 Cross Village Township
3510 Division Rd., Harbor Springs, MI 49740

1. Project Description

This is a Special Use Permit request for a special event temporary camp ground and parking area during the annual Blissfest Music Festival for 3 days in Mid-July. This SUP is allowed as per Emmet Zoning Ordinance Article 8: FF-1 & FF-2 Farm and Forrest Districts sec. 8.01 Special Uses-Recreation Areas, private, nonprofit. This is a ~2.5 acre property (209’ x 522’) that is directly across the street from additional Blissfest Music Organization property with a Non-profit Recreation Area SUP. It has 209’ of frontage along Division Rd. and is 522’ deep. The property number is 24-05-08-01-300-013 and the address is 3510 Division Rd, Harbor Springs, Mi. Cross Village Township.

This SUP request will provide for additional auxiliary temporary camping and parking for the 3 day Blissfest Festival special event in mid-July. It will be used primarily as reserved parking and camping for artists performing at the Blissfest and Blissfest coordinators and staff members.

The Blissfest will follow current existing conditions of use that are already in place for festival operations including security, traffic control, dust control, sanitation and noise controls. The camping area will accommodate 26 drive-in camp sites and 5 walk-in camp sites for the 3 day event. There will be 5 parking slots allocated to a walk-in camping area and an additional 30 parking slots for weekend artist and staff parking. This added camping and parking area has been slowly incorporated into the festival operations over the course of the past few years and this request is to get into compliance with the Zoning Ordinance for this 3 day special event use.

2. Expected Demands on Community Services

a. Sanitary Services- Blissfest will use its existing portable toilet service for the festival weekend and expand that service to meet the demands of this additional temporary campground area. Blissfest will also provide trash receptacles and recycling receptacles for the camping and parking area. Blissfest will meet the requirements of the Department of Environmental Quality and the Northwest Health Dept. for temporary campgrounds, portable toilet service, water and trash.

b. Water- Blissfest will provide potable water using a portable tank for the new camping area. The water source will be a Type II non-public well that the Blissfest uses for the festival and is regulated and monitored through the Health Dept. There is also an existing residence that will provide limited toilet and water facilities for the 3 day event.

c. Traffic Volumes- There is additional traffic volume during the 3 day festival in the areas around the festival site. We do not expect extra volumes for this request since there will be about the same number of participants for the festival. They will be disbursed somewhat differently with this additional camping and parking area. Blissfest will provide private security, a host camp and traffic controls for the new areas in keeping with the existing conditions of use during the festival weekend. Blissfest will also
construct an approved commercial entrance to the property in consultation with the Emmet County Road Commission.

d. There are no schools in the vicinity of the festival and schools are on summer break at the time of the event.

e. Fire protection- Blissfest has the Readmond Firefighters Team stationed at the festival site for most of the weekend. They have been part of our safety team for a number of years. The festival also has a 15,000 tank of water installed along Division Rd. on the Blissfest property for fire department use. There is another 15,000 gallon community tank available ½ mile away also on Division Rd.

3. Environmental Impacts

   a. Soil Erosion- Soil erosion will be minimal as the use proposed will be for a short period of time and the plan is to use the natural erosion controls of existing turf and Emmet profile soils.
   b. Storm Drainage- Natural drainage will be adequate for this short term use.
   c. Shoreline protection- N/A
   d. Wildlife- There will be minimal wildlife impacts with the short duration of use
   e. Air Pollution- The festival overall does contribute to some additional vehicle pollution for the 3 days of the festival.
   f. Water pollution- no adverse impacts predicted due to short duration of use
   g. Noise- No overall additional noise is anticipated camping and parking area. Blissfest will comply with the noise requirements already in place for the other camping areas during the festival. There will be no festival related activities on this property other than normal gathering that takes place with any camping situation. A Host Camp and Private Security will also monitor the campground and parking area.
# SITE PLAN REVIEW CHECKLIST

## Subject Property Address
3510 Division Rd, Harbor Springs, MI 49740

## Subdivision and Lot Number (if applicable)
N/A

## Tax Parcel Number
24-05-08-01 300-613

## Township
Cross Village Township

## Proposed Use of Property
S&O for Recreation Area, Special Event Camp & Parking

## Proposed Number of Employees

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriate scale</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date, North Arrow, Street Names (existing and proposed right-of-ways)</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name, Address and Phone Number of person preparing plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property line dimensions</td>
<td>✓</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### Basic Zoning Information

| Zoning setback lines -Building (including the eave) Setbacks:                           |               |
| Front 40 | Side 20 | Side 20 | Rear  Water 40 |

<p>| Distance between buildings (nearest point to nearest point)                            | ✓   |    |     | Existing |
| Location of new buildings and general floor plan Dimensions of bldg.(s) = ___ x ___ Total sq.ft. = ________ | ✓   |    |     |          |
| Proposed building elevations (to scale) Max. Height = ________                          | ✓   |    |     |          |
| All existing structures (labeled) within 100 feet of perimeter property lines           | ✓   |    |     |          |
| Multiple housing units -Number of units = ________, composition (efficiency, one bedroom, two, three) | ✓   |    |     |          |
| Surrounding zoning (properties immediate to subject site)                               | ✓   |    |     |          |
| Lot coverage of proposed buildings = ________                                           | ✓   |    |     |          |</p>
<table>
<thead>
<tr>
<th>Natural Features</th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
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<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock cut-croppings, severe topography, wetlands, woodlands, etc.).</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Has a wetland permit been applied for?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Existing topography</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>17 Soil analysis Is it In a Critical Dune Area?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 Site Inventory provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage / Parking/ Roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width of Right-of-Way =</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td>✓</td>
<td></td>
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</tr>
<tr>
<td>23 Acceleration/deceleration lanes</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>24 Road agency approval?</td>
<td></td>
<td></td>
<td></td>
<td>pending</td>
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<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td>✓</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>26 Parking spaces required______, parking spaces actual______ Handicap parking location and number______</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td></td>
<td></td>
<td></td>
<td>(per 10 2&quot;)</td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>29 Dumpster location, screening indication</td>
<td>N/dumpster - not shown</td>
<td></td>
<td></td>
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<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>✓</td>
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<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td>✓</td>
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<td></td>
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<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
<td>✓</td>
<td></td>
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</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td></td>
<td></td>
<td>Temporary low lighting</td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact Statement attached?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Fire Department approval?</td>
<td></td>
<td></td>
<td></td>
<td>Letter sent 5-7-19</td>
</tr>
<tr>
<td>Fire hydrants and fire vehicle access.</td>
<td>✓</td>
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<td></td>
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<tr>
<td>Road Agency approval?</td>
<td></td>
<td></td>
<td></td>
<td>Proposal sent 5-7-19</td>
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<tr>
<td>Health agency approval?</td>
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<td>Proposal sent 5-7-19</td>
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<tr>
<td>Army Corps of Engineers approval?</td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td>✓</td>
<td></td>
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</tr>
</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

**ADDITIONAL COMMENTS:**

---

Applicants Signature: [Signature]

Date: 5/7/18
STATE OF MICHIGAN
EMMET COUNTY CIRCUIT COURT

BLISSFEST MUSIC ORGANIZATION, a Michigan non-profit corporation,

Plaintiff/Appellant,

v

EMMET COUNTY ZONING BOARD OF APPEALS
and the COUNTY OF EMMET, a Michigan municipal corporation,

Defendants/Appellees,

AND

COUNTY OF EMMET, a Michigan municipal corporation,

Plaintiff,

v

BLISSFEST MUSIC ORGANIZATION, a Michigan non-profit corporation,

Defendant.

Consolidation of Files: 01-6551-CZ
01-6552-AA

IRENE D. GRANGER
CLERK OF CIRCUIT COURT

Kathleen Abbott (P36315)
Civil Counsel for County of Emmet and Civil Counsel for Emmet County Zoning Board of Appeals
200 Division Street
Petoskey, MI 49770
Telephone: (231) 348-1722

James M. Olson (P18485)
Kristyn J. Houle (P58723)
OLSON & BZDOK, P.C.
Attorneys for Blissfest Music Organization
420 East Front Street
 Traverse City, MI 49686
Telephone: (231) 946-0044

CONSENT JUDGMENT

Emmet County and Blissfest Music Organization, the named parties in the above-captioned consolidated civil actions, desire to resolve and adjudicate all claims between themselves with respect to the Blissfest Festival and arising out of the subject matter of this litigation as described by the complaints, as amended, and defenses, as amended, in the above-consolidated actions.

Toward this end, the County and Blissfest stipulate to the entry of this Consent Judgment for

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORD ON FILE IN THE OFFICE OF THE COUNTY CLERK, EMMET COUNTY, MICHIGAN.

IRENE D. GRANGER - EMMET COUNTY CLERK
purposes of adjudicating the claims and defenses in this consolidated action and for the purpose of enforcing the terms of this Consent Judgment. This Consent Judgment shall constitute a complete disposition and adjudication of the controversies between the parties related in any manner to matters that were or could have been raised in regard to all claims and defenses in the above consolidated actions. The Consent Judgment is based on and consists of the following provisions agreed to by the County and Blissfest and approved and adjudicated on entry by the Court:

1. Plaintiff Emmet County ("County") is vested with full administrative and enforcement authority and responsibility under The Emmet County Zoning Ordinance no. 10, as amended, ("zoning ordinance"), and the powers granted to it under the county zoning laws and common law pertaining to zoning of Michigan. The County represents that it has full authority to enter into this consent judgment.

2. Blissfest Music Organization ("Blissfest") is a Michigan Non Profit Organization whose purpose is to promote the performance and education of traditional music, dance, and the arts in the Petoskey area and throughout Northern Michigan. Blissfest represents that it has full authority to enter into this consent judgment.

3. Blissfest owns and/or leases 140 acres of contiguous property in Readmond Township, Emmet County, Michigan: 40 acres leased from Howard Rice in 1988 and acquired in 1995 ("Parcel 1"); 80 acres adjacent and west of Parcel 1, leased in 1995 and acquired in 1998 ("Parcel 2"); 20 acres south of Parcel 1 that is leased ("Parcel 3"). The three parcels are more fully described in Exhibit A ("Property"). The Property is located in the FF-2 Farm Forest District under Article VIII of the zoning ordinance. Blissfest may continue to use its Property in accordance with the zoning ordinance, and subject to the terms of this Consent Judgment, Blissfest is granted the right to continue to hold its annual weekend Blissfest Festival on the Property for the following Festival uses:
a. Performances and workshops on music, dance, oral tradition, arts and crafts, including public address systems for such performances or workshops of Festival;
b. Craft, memorabilia, and food sales for attendees of Festival;
c. Temporary camping and parking for volunteers and attendees of Festival;
d. Day parking for volunteers and attendees of Festival;
e. Ancillary temporary tents and structures for Festival services such as, but not limited to, security, sanitation, first aid, food, information and utilities.

4. Rather than litigate, and as a compromise of the issues between them, the County and Blissfest believe it is in the best interest of both of them and the public health, safety, and welfare to define the permitted uses of the Property for the Blissfest Festival subject to certain restrictions, conditions, and the County zoning ordinance as specified below and in the Site Plan attached as Exhibit B. The County and Blissfest agree that in lieu of such litigation the following provisions shall be deemed to constitute a full determination and adjudication regarding the use of the Property for the BLISSFEST FESTIVAL on entry of the Consent Judgment and execution of a Conservation Easement as described below:

a. The 1992 special use permit issued to Howard Rice for Parcel 1 is rescinded, except that Blissfest may use Parcel 1 as allowed under the zoning ordinance.
b. The Blissfest has the right to hold its annual Blissfest Festival, on Parcel No. 1 and a portion of Parcel No. 2, including the uses specified in paragraph 3, above.
c. The Blissfest may continue to use its leased Parcel No. 3, but only as permitted in accordance with the zoning ordinance.
d. The Blissfest shall grant and convey a Conservation Easement to the County, in substantially the same form as the Conservation Easement attached as Exhibit C, the purpose of which is to preserve the conservation
and natural values of the property by prohibiting development on those portions of the Property subject to the Conservation Easement, except as may be excluded or allowed by the terms of the Conservation Easement and this Consent Judgment. The Conservation Easement shall be granted as follows:

i. Blissfest shall grant and convey a Conservation Easement to the County over the wooded portion of Parcel 1 as shown on the aerial photograph attached as Exhibit D with the following allowed uses:
   (a) walk-in, non-motorized existing camping and workshop areas for the Blissfest Festival; and (b) small walk-in rustic shelters or cabins (not to exceed 400 square feet each), with electricity and two vaulted toilets, provided that the site plan for the shelters or cabins, including the number of shelters or cabins, is approved by the County in accordance with any applicable site plan and set-back restrictions of the zoning ordinance; and (c) any existing structures on the Property, and any future structure or rustic camp site reviewed for approval by the County Planning Commission according to site plan procedures in the zoning ordinance.

ii. Blissfest shall also grant and convey a Conservation Easement (within the same document as Exhibit C, above) to the County over Parcel 2, except for:

   (1) development of the south 20 acres for single family residences, including ingress and egress, roads and utilities, in accordance with the open space option pursuant to Sections 1901 and/or 1902 of the zoning ordinance.

   (2) Reasonable ingress and egress, for the Festival, Festival camping, parking, and related temporary structures, and a
gate house to a maximum of 325 square feet to replace existing trailer, and camping and parking for any other lawful or permitted use in accordance with the zoning ordinance on that part of Parcel 2 described as follows:

Parcel A:

Section 12, T37N R6W, Readmond Township, Emmet County Michigan, the east 740 feet of the northwest 1/4 of said section.

Parcel B:

Section 12, T37N R6W, Readmond Township, Emmet County Michigan, commencing at the southeast corner of the northwest 1/4 of northwest 1/4, thence east 740 feet, south approximately 600 feet, thence east 740 feet more or less to west 1/4 line, thence north approximately 600 feet to the point of beginning.

(3) Farming, agriculture, and horticulture, including necessary water and utilities.

(4) Any existing structures on the Property, and any future structure, camping area or parking area, reviewed for approval by the County Planning Commission according to site plan procedures in the zoning ordinance.

e. Blissfest may otherwise develop or use its Property provided that such use, development, building, or structure complies with the zoning ordinance, including any applicable special use and site plan requirements, and the Conservation Easement.

5. The Blissfest is permitted to hold its annual weekend Blissfest Festival subject to the limitations and restrictions of this Consent Judgment, the Conservation Easement, and the following conditions:

a. Noise. Noise from the Blissfest Festival shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the
property lines to those residing on or occupying nearby properties based on the sensibilities of a reasonable person.

b. Lighting. Lighting on the property shall comply with the County lighting standards of the zoning ordinance.

c. Dust. Blissfest shall implement an appropriate dust control plan subject to approval of the County Road Commission and County Soil Erosion Officer.

d. Traffic. Blissfest shall discourage parking on public roads and provide adequate traffic control staff.

e. Trespassing. Blissfest shall make public address announcements and post notices near the boundaries of adjoining property in a clear manner that warn against trespassing on non-Blissfest property.

f. Health and Sanitation. Blissfest shall comply with all health and sanitation requirements of the Michigan Department of Environmental Quality, Northwest Michigan Community Health Agency, or other applicable laws and regulations. Blissfest shall provide a minimum of 20 temporary showers for camping, in order to discourage bathing at nearby beaches. The parties agree that the Review Committee, as described in paragraph 12, below, may review the number of showers for adequacy.

g. Safety and Security. Blissfest shall comply with applicable safety and security requirements imposed by law or regulation. Blissfest shall provide an adequate and competent security force for the Festival.

h. Alcohol. There shall be no sale of alcohol on the property. Blissfest shall implement an alcohol use and control plan, as set forth in Exhibit E.

The Festival is limited to one weekend per calendar year, Friday to Sunday, subject to the following:

(i) The set up and take down shall substantially occur not earlier than the preceding Monday and not later than the following Wednesday.
(ii) Camping for ticket holders shall be no earlier than 8:00 a.m. on Friday and not later than Monday noon after the Festival.

(iii) Amplified outdoor concerts shall end by 11:00 p.m. on Friday, 12:00 a.m. (midnight) Saturday and 10:00 p.m. Sunday.

j. The Festival is limited to a daily maximum of 4,500 paid tickets (weekend ticket holders plus each day ticket holders). This limit may be increased upon application of Blissfest and approval of the Planning Commission.

6. Failure to comply with these conditions shall constitute a violation of this Consent Judgment and a violation of the Emmet County Zoning Ordinance and any amendments thereto, which violations may be prosecuted accordingly. The County also shall have an independent right to enforce the terms and provisions of the Conservation Easement under this Consent Judgment or directly under the Conservation Easement as provided by law.

7. Upon presentation of proper identification, authorized County personnel shall be allowed entry at all reasonable times to inspect the premises to ensure compliance with these provisions for the Festival. Entry of the premises by authorized County personnel for purpose of inspection shall be considered reasonable at any time during the period beginning two weeks prior to each Festival and ending two weeks after each Festival.

8. Nothing herein is intended to limit the right of a Township to adopt an ordinance covering the subject matter of this Consent Judgment.

9. Except for the provision of this Consent Judgment, the County and Blissfest hereby forever release one another from any and all causes of actions, claims, demands, damages, equities, claims for relief, expenses, orders issued by the court in the litigation, injuries, losses, acts, rights, obligations, and liabilities that they have now, or may have in the future, against one another, whether known or unknown, arising out of the subject matter of this litigation.

10. The Parties shall take steps necessary to dismiss District Court civil action No. 01-01132-ST, and cancel and release any outstanding citation, claim, order, or other demand related to such action.
11. No later than six (6) weeks prior to the first day of each Blissfest Festival, the Blissfest Music Organization shall make a deposit in the form of cash, or a certified or cashier's check, with the Emmet County Clerk in a reasonable amount acceptable to the County to ensure the faithful performance of the conditions set forth in paragraph 5. The amount of the deposit shall be set by the County based upon its reasonable estimate of the costs of ensuring substantial compliance with these conditions. The County shall refund the deposit of the Blissfest Music Organization within two (2) weeks after the last day of the Festival if all of the conditions have been substantially met to the County's satisfaction. The deposit will be five thousand dollars ($5,000.00) for the year 2002, thereafter, the County will make a reasonable estimate of costs to ensure compliance with the conditions set forth in paragraph 5, and shall take into consideration Blissfest's history of compliance.

12. The County Board of Commissioners shall have the right to appoint a Blissfest Review Committee of not more than 9 persons for the purposes of (1) facilitating communications between Blissfest and persons who may be negatively affected by the operation of the Blissfest Festival, (2) creating a forum for constructive suggestions and recommendations to Blissfest to alleviate or facilitate the resolution of unforeseen negative impacts from the Festival, (3) allowing Blissfest the opportunity to redress grievances of persons negatively impacted by the operation of the Festival, and/or (4) other appropriate purposes related to this Consent Judgment as the County Board may determine. Blissfest may request that the County convene a meeting for such purposes. It is intended that the Committee be comprised of representatives of Blissfest, the County, affected Township(s), neighborhood associations, and other interested citizens. Meetings of the Committee shall be scheduled as needed at reasonable times and places to accommodate the broadest possible participation by all representatives. Blissfest and the County expressly agree to attend and participate in good faith in meetings of the Committee, and Blissfest agrees to reimburse up to $1,000 per year, any costs reasonably incurred by the County in administering this provision.

13. This Consent Judgment is binding on the parties, assigns, grantees, successors, and in the case of the County, its various boards and commissions, and the Consent Judgment may not
be modified or amended without the express written agreement of the parties and the approval of the Court.

BLISSFEST MUSIC ORGANIZATION

By: James L. Alleppey
Its: Executive Director
Date: 3/7/02

COUNTY OF EMMET

By: [Signature]
Its: Chairperson
Date: 3-7-02
Exhibit A

Description of Parcels

Parcel 1

Approximately 40 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The Northeast 1/4 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West.

Parcel 2

Approximately 80 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The West 1/2 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West.

Parcel 3

Approximately 20 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The North 20 acres of the Southeast 40 acres of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West.
The County is a qualified Recipient of this Conservation Easement, is committed to preserving the Conservation Values of the Property, and is committed to upholding the terms of this Conservation Easement. The County seeks to conserve and protect natural habitats of fish, wildlife, plants, and the ecosystems that support them, under its comprehensive plan, including open spaces, farms and forests, where such preservation is for the scenic enjoyment of the general public.

2. CONSERVATION VALUES. The Property possesses natural, open space, forested values of importance to the Owner, the County, and the public. These values are referred to as the “Conservation Values” in this Easement. The Conservation Values include the following:

PUBLIC POLICY: The State of Michigan has recognized the importance of protecting our natural resources as delineated in the 1963 Michigan Constitution, Article IV, Section 52, “The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety, and general welfare of the people. The legislature shall provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction.”

The Property is preserved pursuant to a clearly delineated federal, state, or local conservation policy and yields a significant public benefit. The following legislation, regulations, and policy statements establish relevant public policy:

- Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act—MCL §§ 324.2140 et seq.;
- Biological Diversity Conservation, Part 355 of the Michigan Natural Resources and Environmental Protection Act—MCL §§ 324.35501 et seq.; (Legislative Findings § 324.35502);
- Soil Conservation, Erosion, and Sedimentation Control, Parts 91 & 93 of the Michigan Natural Resources and Environmental Protection Act—MCL §§ 324.9101 et seq; 324.9301 et seq.; (Legislative Policy § 324.9302);

The preservation of open space, woodlands, rural character, and farmland is a goal of the County’s Comprehensive Plan.

ECOLOGICAL/HABITAT:

The Property is noteworthy for the undeveloped open farmland and mature hardwoods which offers habitat and foraging for; song and migratory birds. The Property contains natural habitat in which wildlife, plants, or the ecosystems which support them, thrive in a natural state. The Property contains sustainable habitat for biodiverse vegetation, birds, and terrestrial animals. Valued native forest land exists on the Property, which includes diverse native species.
3. BasiLine DocuMenTaTion. Specific Conservation Values of the Property have been documented by the County, including, but not limited to, the site plan attached as Exhibit B to the Consent Judgment, the aerial photograph attached as Exhibit 2 to this Conservation Easement, and other documentation on file with the County.

4. ProhiBited AcTiOns. Any activity on, or use of, the Property which is inconsistent with the Purposes of this Conservation Easement or which is detrimental to the Conservation Values, except as permitted in paragraph 5, below, is expressly prohibited. By way of example, but not by way of limitation, the following activities and uses are explicitly prohibited:

Commercial Activities. Any commercial activity on the Property is prohibited unless authorized or permitted by this Easement or the Consent Judgment between the parties.

Industrial Activities. Any industrial activity on the Property is prohibited.

Construction. The placement or construction of any human-made modification such as, but not limited to, structures, buildings, fences, roads, and parking lots is prohibited except as provided for under Paragraph 5.

Cutting Vegetation. Any cutting of trees, vegetation, including pruning or trimming, is prohibited, except for the cutting, removal of trees, or management to sustain the mixed hardwoods climax forest or vegetation and as provided for under Paragraph 5.

Land Surface Alteration. Any mining or alteration of the surface of the land is prohibited, including any substance that must be quarried or removed by methods that will consume or deplete the surface estate, including, but not limited to, the removal of topsoil, sand, gravel, rock, and peat, except as part of farming, agriculture, horticulture, and as provided under Paragraph 5.

Waste Dumping. Processing, storage, dumping, or disposal of liquid or solid waste, refuse, or debris on the Property is prohibited, except for non-hazardous waste generated by the use of the property by the general public pending its frequent and periodic removal.

Water Courses. Natural water courses or wetlands, if any, may not be altered.

Off-Road Recreational Vehicles. Motorized off-road vehicles such as, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles may not be operated on the Property except those vehicles, such as tractors, trucks, and other 4-wheel vehicles, that may be used in an emergency, or in connection with the use, management, improvement, and maintenance of the Property in relation to the permitted uses, including the annual weekend Blissfest Festival, or on established access roads, camping, and parking areas indicated in paragraph 5 or the Site Plan attached to Consent Judgment as Exhibit B.

Signs and Billboards. Billboards are prohibited. Signs are prohibited, except the following signs may be displayed for the following purposes:

To disclose the name and address of the property or the owner’s name.
To disclose that the area is protected by a conservation easement.
To state that trespassers or any unauthorized entry or use is prohibited.
To advertise the Property for sale.
To identify and interpret trails and natural features.
To identify or disclose permitted uses of the Property or adjacent or contiguous non-
Conservation Property owned or leased by Blissfest.

5. PERMITTED USES. The Owner retains all ownership rights which are not expressly
restricted by this Conservation Easement. In particular, the following rights are reserved:

Right to Convey. The Owner retains the right to sell, mortgage, bequeath, or donate the
Property. Any conveyance will remain subject to the terms of the Conservation Easement
and the subsequent Owner will be bound by all obligations in this agreement.

Right to Add and Maintain Trails, Rustic Camping Sites and Use Existing Roads. The
Owner retains the right to use existing access roads or trails and add and maintain an access
road, or add and maintain rustic camping sites approved under the terms of the Consent
Judgment.

Right to Construct Benches, Viewing Platforms and Gate House. The Owner retains the
right to construct benches, viewing platforms, posts, and other such structures for the use and
quiet enjoyment of its members, guests, or attendees of the annual Blissfest. Along with this
right, the Owner retains the right to construct a gate(s) or other similar structures to
discourage unauthorized vehicle access on the Property, and to construct a gate house (not
to exceed 325 square feet) at the entrance of the Property.

Prior to adding of new benches or viewing platforms and other such structures, the Owner
will provide a written Plan to the County Planning and Zoning Department for review and
approval as provided in the Consent Judgment. The County shall review and either approve
or notify the Owner of any deficiencies in the Plan that relate to protecting the Conservation
Values of the Property. Such approval shall not be unreasonably withheld.

Right to Manage or Cut Vegetation. The Owner retains the right to cut, remove and/or
manage vegetation only under the following conditions, or as otherwise set forth in
paragraph 5 of this Conservation Easement:
1. to remove dangerous trees or trees required to be removed for permitted structures
   under this Conservation Easement or the Consent Judgment;
2. to remove trees in order to reduce a natural threat of infestation posed by
diseased vegetation (as documented by a professional forester or other
natural resource specialist) and as approved by the County under the provisions of
Paragraph 8; or,
3. to control invasive non-native plant species that endanger the health of
   native species.
4. to sustain the mixed hardwoods climax forest through appropriate forest
   management practices.

Right to Maintain Managed Open Space Areas. The Owner retains the right to continue
to maintain certain open space areas on the Property designated as Managed Open Space
on the or Site Plan, Exhibit B to Consent Judgment. Said maintenance
includes, but is not limited to mowing and removing woody vegetation from
non-forested areas of the Property.

Right to Conduct Ecological Restoration. The Owner retains the right to conduct
ecological restoration on the Property if (a) it is planned and undertaken meeting the
following goals and (b) is conducted (i) in accordance with applicable government regulations, (ii) in accordance with an Ecological Restoration Plan prepared by a qualified natural resource professional approved in advance by the County.

Ecological restoration is the process of assisting the recovery and management of ecological integrity with sensitivity to regional and historical context of the landscape. Ecological Restoration includes, but is not limited to, planting native species, removing non-native or invasive species, and implementation of a natural disturbance regime (e.g., fire) appropriate for the Property.

Right to Operate Motorized Vehicles. The Owner retains the right to operate motorized vehicles on the Property on the established roads, driveways and parking areas as demonstrated in the Site Plan, attached as Exhibit B to the Consent Judgment. The Owner also retains the right to operate motorized vehicles off-road on the Property for management activities described in Paragraph 5. The Owner retains the right to use the property for camping, parking, or other services related to the annual Blissfest Festival or other permitted use of the Property under the Conservation Easement or Consent Judgment.

Right to Use Property for Blissfest Festival and Other permitted uses. The Owner retains the right to use the Property for its annual Blissfest Festival as provided in the Consent Judgement, and as otherwise permitted by the Consent Judgment and this Conservation Easement.

Right to Develop and Use Property for Single Family Cluster Option. The Owner retains the right to use the Property for a single family development and use on the south 20 acres on Parcel No. 2 as identified in the Consent Judgment, which 20 acres shall be surveyed at the time of sale or development.

6. RIGHTS OF THE COUNTY. The Owner confers the following rights upon the County to perpetually maintain the Conservation Values of the Property:

1. Right to Enter. The County has the right to enter the Property at reasonable times to monitor the Conservation Easement Property. Furthermore, the County has the right to enter the Property at reasonable times to enforce compliance with, or otherwise exercise its rights under, this Conservation Easement. The County may not, however, unreasonably interfere with the Owner’s use and quiet enjoyment of the Property. The County has no right to permit others to enter the Property. The general public is not granted access to the Property under this Conservation Easement except that the County may invite members of the general public to one nature walk or low-impact event each calendar year upon a 30 day written notice to, and with the concurrence and approval of, the Owner at a mutually convenient time. This does not limit the right to inspect under the Consent Judgment.

2. Right to Preserve. Except as otherwise expressly provided in the Conservation Easement, the County has the right to prevent any activity on or use of the Property that is inconsistent with the Purposes of this Conservation Easement or detrimental to the Conservation Values of the Property.

3. Right to Require Restoration. The County has the right to require the Owner to restore the areas or features of the Property which are damaged by any activity inconsistent with this
4. **Signs.** The County has the right to place two signs on the Property which identify the land as protected by this Conservation Easement. The location of signs is subject to the Owner's approval.

7. **COUNTY'S AND OWNER'S REMEDIES.** This section addresses cumulative remedies of the County and limitations on these remedies.

   **Acts Beyond Owner's Control.** The County may not bring an action against the Owner for modifications to the Property resulting from causes beyond the Owners' control, including, but not limited to, unauthorized actions by third parties, natural disasters such as unintentional fires, floods, storms, natural earth movement, or even an Owner's well-intentioned action in response to an emergency resulting in changes to the Property. The Owner has no responsibility under this Conservation Easement for such unintended modifications.

   **Notice and Demand.** If the County determines that the Owner is in violation of this Conservation Easement, or that a violation is threatened, the County shall provide written notice to the Owner. The written notice will identify the violation and request corrective action to cure the violation and, where the Property has been injured, to restore the Property.

   However, if at any time the County determines that the violation constitutes immediate and irreparable harm, no written notice is required. The County may then immediately pursue its remedies to prevent or limit harm to the Conservation Values of the Property. If the County determines that this Conservation Easement is, or is expected to be, violated, and the County's good-faith and reasonable efforts to notify the Owner are unsuccessful, the County may pursue its lawful remedies to mitigate or prevent harm to the Conservation Values without prior notice and without awaiting the Owner's opportunity to cure.

   **Failure to Act.** If, within 28 days after written notice, the Owner does not implement corrective measures requested by the County, the County may bring an action in law or in equity to enforce the terms of the Conservation Easement. In the case of immediate or irreparable harm, or if an Owner is unable to be notified, the County may invoke these same remedies without notification and/or awaiting the expiration of the 28-day period. The County is entitled to enjoin the violation through temporary or permanent injunctive relief and to seek specific performance, declaratory relief, restitution, reimbursement of expenses, and/or an order compelling the Owner to restore the Property. If the court determines that the Owner has unreasonably or without sufficient basis, or in bad faith, failed to comply with this Conservation Easement, the Owner shall also reimburse the County for all reasonable litigation costs and reasonable attorney’s fees.

   **Unreasonable Litigation.** If the County initiates litigation against the Owner to enforce this Conservation Easement, and if the court determines that the litigation was initiated without sufficient basis, reasonable cause, or in bad faith, then the County shall reimburse the Owner’s reasonable costs and reasonable attorney’s fees in defending the action.

   **Cumulative Remedies.** The preceding remedies of the County are cumulative. Any, or all, of the remedies may be invoked by the County if there is an actual or threatened violation
of this Conservation Easement.

Owner's Remedies. The Owner shall have the right to enforce the County's compliance with its obligations under this Conservation Easement through declaratory and equitable relief, including specific performance and injunction, including costs and attorney fees in the event the County has defended without a sufficient or reasonable basis.

8. **NOTIFICATION PROVISION.** The County is entitled to 28 Days written notice whenever its approval is required under this Conservation Easement. If the County fails to respond within 28 Days after it receives the written request, then its approval shall be deemed given. To "respond" means to give written acknowledgment of receipt. Nothing herein is intended to limit the period required for site plan or other review under the zoning ordinance as indicated in the Consent Judgment or this Conservation Easement.

9. **CONSERVATION EASEMENT REQUIREMENTS UNDER MICHIGAN LAW.**

1. This Conservation Easement is created pursuant to the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act (NREPA) - MCL §§ 324.2140 et seq.

2. The County is qualified to hold conservation easements pursuant to these statutes.

10. **OWNERSHIP COSTS AND LIABILITIES.** In accepting this Conservation Easement, the County shall have no liability or other obligation for costs, liabilities, taxes or insurance of any kind related to the Property. The County, its officials, employees and agents have no liability arising from injury or death to any person or physical damage to any property on the Property, except for injury or death of any person or property incurred in connection with or arising out of the County's use or activities on or in connection with the Property. Neither Party waives any immunities granted by law. The County shall reimburse the Owner from any claims (including costs and reasonable attorney fees) for injury or death of any person or damage to property incurred in connection with or arising out of the County's use of the Property.

11. **ASSIGNMENT.** The County may assign this Conservation Easement, and the rights and obligations contained herein, to another organization or entity. This entity shall be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3). Any assignment of this Conservation Easement must insure that the Purposes of this Conservation Easement as set forth in Section 1 are satisfied and guarantee the perpetual protection of the Property. It is specifically provided that if for any reason the Owner or his estate gives notice to the County that it in the future wants to gift to the County the entire fee of the Property subject to this Conservation Easement, the County shall assign the Conservation Easement to another such "qualified organization" in I.R.C., Section 170(h)(3) before accepting delivery of the title to the Property pursuant to any such gift.
12. **MERGER.** In the event the assignment to another "qualified organization" as described in paragraph 11 above, is impossible, the Owner and the County agree that this Conservation Easement shall survive any merger of the fee and easement interest in the Property.

13. **CESSATION OF EXISTENCE.** If the County shall cease to exist or if it fails to be a "qualified organization" for purposes of Internal Revenue Code Section 170(b)(3), or if the County is no longer authorized to acquire and hold conservation easements, then this Conservation Easement shall become vested in another entity. This entity shall be a "qualified organization" for purposes of Internal Revenue Code Section 170(b)(3). The County's rights and responsibilities shall be assigned to any entity having similar conservation purposes to which such right may be awarded under the *cy pres* doctrine.

14. **TERMINATION.** This Conservation Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Conservation Easement's purposes, or by exercise of eminent domain.

   1. **Unexpected Change in Conditions.** If subsequent circumstances render the Purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated only by judicial proceedings. The County will then be entitled to compensation in accordance with the provisions of IRC Treasury Regulations Section 1.170A-14(g)(6)(ii) in effect on the date of this Conservation Easement.

   2. **Eminent Domain.** If the Property is taken, in whole or in part, by power of eminent domain, then the County will be entitled to compensation by the method as is set forth in IRC Treasury Regulations Section 1.170A-14(g)(6)(ii) in effect on the date of this Conservation Easement.

15. **LIBERAL CONSTRUCTION.** This Conservation Easement shall be liberally construed in favor of maintaining the Conservation Values of the Property and in accordance with the Conservation and Historic Preservation Easement, Sub part 21 of Part 21 of the Michigan Natural Resources and Environmental Code MCL 324.2140 et seq.

16. **NOTICES.** For purposes of this Conservation Easement, required written notices shall be provided by either party to the other party by personal delivery or by First Class mail to the most recent address of record. If a new party succeeds either party or either party changes its address, the new address information shall be provided in writing to the other party as soon as practicable by personal delivery or First Class mail. Service will be complete upon personal delivery or upon depositing the properly addressed notice with the U.S. Postal Service with sufficient postage prepaid.

17. **SEVERABILITY.** If any portion of this Conservation Easement is determined to be invalid, the remaining provisions will remain in force.

18. **SUCCESSORS.** This Conservation Easement is binding upon, and inures to the benefit of, the Donor/Owner's and the County's successors in interest. All subsequent Owners of the Property are bound to all provisions of this Conservation Easement.
Easement to the same extent as the Donor.

19. TERMINATION OF RIGHTS AND OBLIGATIONS. A party's future rights and obligations under this Conservation Easement terminate upon transfer of that party's interest in the Property. Liability for acts or omissions occurring prior to transfer will survive the transfer.

20. MICHIGAN LAW. This Conservation Easement will be construed in accordance with Michigan Law.

21. ENTIRE AGREEMENT. This Conservation Easement and the referenced Consent Judgment, sets forth the entire agreement of the parties. This Conservation Easement and the Consent Judgment are intended to supersede all prior discussions or understandings.

TWO WITNESSES: (*) Print/type names under signatures

Sonia Godzik

Irene D. Granger

STATE OF MICHIGAN

COUNTY OF EMMET

Acknowledged before me on this 7th of March, 2002, by James R. Gillespie, President of the Blissfest Music Organization.

Irene D. Granger Notary Public
Emmet County, Michigan
My commission expires: 9/3/2003

TWO WITNESSES: (*) Print/type names under signatures

Lyn Johnson

Irene D. Granger

STATE OF MICHIGAN

COUNTY OF EMMET

COUNTY:

Nicholas J. White
Chairman, County Board of Commissioners

Page 9 of 11
Acknowledged before me on this 7th of March, of 2002, by Nicholas J. Whit known
to me to be the Chairman of the Emmet County Board of

[Signature]
Irene D. Granger
Emmet County, Michigan
Commissioner

expires: 9/3/2003

AFTER RECORDING SEND TO:
County Clerk

__________
Petoskey, MI 49770.

SEND TAX BILL TO:
Jim Gillespie
Executive Director, Blissfest Music Organization

__________
MI 49

PREPARED BY:
James M. Olson
Olson & Bzdok, P.C.
420 East Front Street
Traverse City, MI 49686
Exhibit 1

The Property

Parcel 1

Approximately 40 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The Northeast 1/4 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West. [The Conservation Easement to affect only the forested section of Parcel 1, as demonstrated on the aerial photograph, Exhibit 2.]

Parcel 2

Approximately 80 acres situated in the Township of Readmond, in the County of Emmet, Michigan: The West 1/2 of the Northwest 1/4 of Section 12, Township 37 North, Range 6, West. [The Conservation Easement to affect the entire Parcel 2.]
Exhibit E
Blissfest Alcohol Management Plan

The goal of the alcohol management plan is to provide for a safe and healthy Blissfest by encouraging and educating for the responsible use of alcohol. This will be accomplished by designating use areas along with monitoring and enforcement measures. The plan will ultimately establish designated areas for the use of alcohol in events and common use areas with the goal to accomplish this over a 2 year transitional period. The first year will start the transition with an emphasis on educating patrons about the new policy as well as restricting additional events and common use areas. During the second year of the plan the goal will be to establish the final designated events and common use areas. Every place else in events and common use area is alcohol free. The annual evaluation will provide an opportunity to determine the impact of the new policy and allow for changes as agreed. Individual private campsites will continue to allow for responsible use.

I. Restricted Areas:

(a) Current Restricted (Alcohol Free) Areas
1. Children’s Areas
2. Third Stage
3. Drum Kiva
4. Under age Campground
5. Friends of Bill Camping area

(b) Additional restricted areas in 2002:
1. Workshop #1 area
2. Workshop #2 area
3. Front 50 feet of the Main Concert area.

II. Designated Areas for responsible alcohol use beginning at 2003 festival:
1. Area commencing 50 feet in front of the main stage 250 feet wide x 250 deep including the food commons area.
2. Back half of the 2nd stage seating area 50 x 50 feet.

III. Education: Asterisk signifies current policy and activities.
1. Printed materials and posters in the public areas*
2. Regular educational announcements from the main and second stages*
3. Free alcohol testing at the Med-Tent*
4. Introduce and promote new policy during first year of transition

IV. Monitoring:
1. Entrance gate check of ID and searching of vehicles of underage patrons.
2. Requirement that patrons aged 18-20 unaccompanied by a parent or responsible adult over 20 years of age camp in the designated Alcohol
Free Area.*

3. Patrol by Bliss Assist, Private Security and sheriff deputies or state troopers.
4. Provide for an annual evaluation of the alcohol policy with adjustments as agreed upon.

V. Enforcement:
1. Deputies or troopers will patrol on foot and issue citations as warranted.
2. Public drunkenness and disorderly conduct will risk expulsion from the festival as per current Blissfest safe expulsion policy.*

VI. Site Plan will reflect these restrictions with appropriate graphic display.
IN THE CIRCUIT COURT FOR THE COUNTY OF EMMET

BLISSFEST MUSIC ORGANIZATION,
a Michigan non-profit corporation,

Plaintiff/Appellant,

v

EMMET COUNTY ZONING BOARD OF APPEALS
and COUNTY OF EMMET, a Michigan municipal

Defendants/Appellees,

AND

COUNTY OF EMMET, a Michigan municipal

Plaintiff,

v

BLISSFEST MUSIC ORGANIZATION,
a Michigan non-profit corporation,

Defendant.

CASE NO. 01-6551-CZ
Hon. Charles W. Johnson

CONSOLIDATION OF FILES
01-6551-CZ; 01-6529-A

STIPULATION AND ORDER TO AMEND CONSENT JUDGMENT

The County of Emmet and Blissfest Music Organization, by their respective

The County of Emmet and Blissfest Music Organization, by their respective
counsel of record, stipulate that the Consent Judgment entered in the above-captioned

GAIL A. MARTIN, EMMET COUNTY CLERK
matter by the Court's Order Entering Consent Judgment dated March 11, 2002, shall be amended as follows:

1. Paragraph 4(e) of the Consent Judgment shall be amended to state:
   e. Blissfest may otherwise develop or use its Property provided that such use, development, building, or structure complies with the zoning ordinance, including any applicable special use or site plan requirements, and the Conservation Easement, as amended.

2. Paragraph 5 of the Conservation Easement attached as Exhibit C to the Consent Judgment shall be amended to add the following as "PERMITTED USES:"

   Right to Establish Disc Golf Course. The Owner retains the right to establish and use a portion of the Property as a disc golf course in accordance with the April 4, 2013 approval of the Emmet County Planning Commission which conditioned the use as follows:
   1. The disc golf course shall maintain a minimum of a 40-foot setback from all road rights-of-way;
   2. The course shall be open to the public at no charge;
   3. The course shall remain unlit; and
   4. The course shall have a 100-person and a 100-car limit for this use.

3. Paragraph 5(j) of the Consent Judgment shall be amended to state:
   j. The Festival is limited to a daily maximum of 4,500 paid tickets (weekend ticket holders plus each day ticket holders) for Friday and Sunday. Effective as of the 2013 Festival, the Festival is limited to a daily maximum of 5,000 tickets (weekend ticket holders plus each day ticket holders) for Saturday. This limit may be increased upon application of Blissfest and approval of the Planning Commission.

4. All other terms and conditions contained in the Consent Judgment and in the Order Entering Consent Judgment shall remain in full force and effect and, without change or modification except as expressly provided herein.
ORDER

It is so ordered.

Entered: 9/12/13

Charles W. Johnson, Circuit Court Judge
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 05/24/2018  CASE #: PSUP18-004

APPLICANT: BLISSFEST MUSIC ORGANIZATION

PROPERTY: 3510 DIVISION RD

TOWNSHIP: CROSS VILLAGE

REQUEST: Special Use Permit – Recreation Area – Camping/Parking

FACTS:
- The property is zoned FF-2 Farm & Forest.
- The subject parcel is approximately 2.5 acres in size (208.72’ x 521.75’).
- The Blissfest Music Organization owns 200 acres south of the subject parcel – across Division Rd in Readmond Township.
- Proposal to utilize property as overflow camping and parking as detailed by applicant on the Impact Statement submitted with the application. (26 drive-in camp sites and 5 walk-in camp sites, plus 35 parking spaces on grassy area).
- A single family dwelling is located on the property.
- One additional access on Division Road proposed – access approved by Emmet County Road Commission. One driveway access exists for the dwelling.
- Blissfest Music Organization has obtained use of 120 acres of their property across Division Road through a Consent Judgment in 2002. The Consent Judgment was amended in 2013.
- DEQ permits required for campground use.
- Health Department email: “…it could be conceptually approved.”
- Existing structure to remain. Portable toilets and trash and recycling provided on-site.
- Existing conditions map provided (aerial).
- Fire Department review needed.
- Graphic requirements of site plan met. Site plan is to scale (1”=40”).
- No impervious surfaces to be created – so no drainage plan submitted.
- Consent Judgment included in packet.
- Blissfest Review Committee meeting scheduled for May 30, 2018.

ZONING ORDINANCE STANDARDS:

SECTION 21.00 INTENT
Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site
development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

**Section 21.02 Special Land Use Review Standards**

In reviewing all requests for Special Land Uses the Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration (See also **Article 20** and **Section 21.01**):

A. Non-detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic. A traffic impact study may be required by the Planning Commission. *There are large volumes of traffic for the festival. The traffic patterns will change as a result of this request. Overall, this item is addressed in the Consent Judgment, but traffic and vehicle access on the roads for safety has been a comment raised.*

B. A large enough size of the parcel or project site to accommodate the use, its future expansion, customary accessory uses and on-site services (such as but not limited to sewage disposal and water supply). *The site size is small, 2.5 acres. It is proposed to be used as reserved parking/camping primarily for artists, coordinators and staff members during the annual festival in conjunction with the other properties owned and used by Blissfest during the annual festival.*

C. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies and capacity to absorb the anticipated sewage disposal demand. *Sewage disposal is accomplished through porta-johns and as regulated by the Health Department. Water is supplied and regulated by the Health Department. Shower facilities and drinking water are provided on the adjacent Blissfest property.*

D. Entrance drives to the use and off-street parking areas 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. Road agency review shall be required. *Two access points are proposed, one exists. They are both 25 feet from the nearest intersection. ECRC review has been requested.*

E. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan. *With the exception of one weekend per year, the property is used as a single family dwelling. The proposed use is listed as a Special Land Use in the Zoning Ordinance.*

F. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage. *Minor streets/roads are used to gain access to the Blissfest property. The number of paid tickets is limited through the Consent Judgment.*

G. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc. *A tree is shown on the site plan near the entrance. It appears to be a low shrub/bush. Each side of the driveway should remain open for campers to enter without obstruction.*
H. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Land Use Project, may be required to be formally assured by one or more of the following instruments: Scenic Easement; Conservation Easement; Deed Restriction; or similar dedication mechanism.

*Conservation Easement exists on the Blissfest property across Division Rd on the corner of Division and Hill.*

The open space dedication instrument shall name the State, the County, a Local Unit of Government, or a land conservation/conservancy organization, as a party to the instrument, as determined to be most acceptable for the particular property and agency involved.

**Draft Motions:**

**Draft Motions:**

Motion to *approve* Case #PSUP18-004, Special Use Permit for a private/non-profit Recreation Area to allow for camping and parking for three days in July during the annual Blissfest Special Event for parcel number 24-05-08-01-300-013, Section 1, Cross Village Township as shown on the Site Plan dated Received May 7 2018 and as identified in the document titled *Impact Statement* dated Received May 7 2018 because of the facts presented in the case, the proposal meets the standards of Section 8.01, Articles 21 and 20 – with the following conditions:
1) all outdoor lighting and signs must comply with the Zoning Ordinance standards and be detailed data sheets provided to the Zoning Administrator for review prior to installation,
2) all conditions of the amended Consent Judgment for the Blissfest Music Organization Annual Festival originally approved in 2002 and amended in 2013 are followed,
3) that the campground comply with all state and local laws and regulations,
4) that there be no outdoor public address system or outdoor amplified music on this site during the festival,
5) that noise from the property shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the property lines,
6) that Emmet County Road Commission requirements be, *(add other conditions or reasons for approval here)*.

Motion to *deny* Case #PSUP18-004, Special Use Permit for a private/non-profit Recreation Area to allow for camping and parking for three days in July during the annual Blissfest Special Event for parcel number 24-05-08-01-300-013, Section 1, Cross Village Township as shown on the Site Plan dated Received May 7 2018 and as identified in the document titled *Impact Statement* dated Received May 7 2018 for the following reasons: *(Insert reasons here)*.

To *postpone* until the next regular Planning Commission meeting Case #PSUP18-004, Special Use Permit for a private/non-profit Recreation Area to allow for camping and parking for three days in July during the annual Blissfest Special Event for parcel number 24-05-08-01-300-013, Section 1, Cross Village Township as shown on the Site Plan dated Received May 7 2018 and as identified in the document titled *Impact Statement* dated Received May 7 2018 for the following reasons: to allow the applicant time to provide additional information.
Existing Conditions- 3510 Division, Harbor Springs, MI 49740
FF-1-2 Zoning Surrounding Area
Set backs: 20' side, 35' rear and 40' front
Existing Structure- Residence 28' x 65' - 55' from Division Road
Natural Features- Emmet Soils, 2-10degree slope to the North. Open meadow with white pines bordering the North property line.

Other Site Considerations
Temporary Solar lighting for the weekend will be used for the parking areas. They will be placed on 5' T-posts. Entrance will have a solar light on a 25' pole.
Temporary signs 2' x 4' for the weekend will designate parking and camping areas.
Site will comply with state of Michigan temporary campground requirements with the following amenities: Portable toilets, potable water(in mobile water tanks) and refuse containers and recycling.

https://www.google.com/maps/place/3510+Division+Rd.+Pellston,+MI+49769/@45.623314,-84.9683017,491m/data=!3m1!1e3!4m5!3m4!1s0x4d4e6538029b82c2f0xb612c254332843c0f8m2!3d45.6231414d-84.98611:
Blissfest Parcels
Soil Map

#1 - 1995 - 40 Acre Main Festival Concert Area
(Vendors, Stages, and Store)

#2 - 1998 - 80 Acres Main Gate Entry
Camp North, Family Camp, Camp South

#3 - 2012 - 2.5 Acres White House
across the street

#4 - 2015 - 40 Acres Blissfest Forest
for the Future (BFF Gifted to Blissfest)

#5 - 2017 - New 40 Acres

#6 - 2001 - Leases 20 Acres "Back 40"
REQUEST

PSUP18-005

A request by Blissfest Music Organization for a Special Use Permit for a temporary campground with parking on property located at 3115 Division Road, Section 12, Readmond Township. The camping/parking would be limited to three days corresponding with the time frame of the Annual Blissfest Festival event, and under the same conditions as the consent judgment. The site, zoned FF-2 Farm and Forest, is tax parcel number 24-12-08-12-200-002. The request is per Section 8.01 and 26.29 and Article 21 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzc@emmetcounty.org

5/7/18
DATE RECEIVED $300.00
FEE

APPLICATION # 5/7/18
DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Blissfest Music Org. - Jim Gillespie, Phone 231-348-6239
Applicant's Address 522 Liberty St, Petoskey, MI 49770
Applicant's Email Address jim@blissfest.org

Owner's Name Blissfest Music Org. - Jim Gillespie, Phone 231-348-7047
Owner's Address 522 Liberty St, Petoskey, MI 49770
Owner's Email Address jim@blissfest.org

JOB SITE LOCATION:
Township: Readmond Tax Parcel #: 24-12-68-12-200-002
Address: 3115 Division Rd, Pellston, MI 49769

ZONING REQUEST:
Planning Commission: ☑
Special Use Permit ☐
Site Plan Review ☐
Planned Unit Development ☐
Zoning Map Change ☐
Zoning Text Change ☐

REQUIRED USE INFORMATION
Ground floor area main building: ________ Sq. Ft.
Floor Area accessory building: ________ Sq. Ft.
Lot/Parcel Size: 40 Acres ________ Sq. Ft.
Site/Plot Plan required* 2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Date Submitted
Elevation Drawing ☐ 5/1/18
Engineered Drainage Plan ☐ 5/1/18
Soil Erosion Permit ☐ 5/1/18
Health Dept. Approval/ ☐ 5/1/18
Sewer Taps ☐

Site Inventory ☐ Date Submitted
Fire Dept Approval ☐ 5/1/18
Wetlands Permit ☐ 5/1/18
Road Commission/ ☐ 5/1/18
MDOT Approval ☐

*Please attach a site/plot plan to show: property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot.
Review Section 2405 of the Zoning Ordinance for Site Plan requirements.

Describe Request: Request for a Campground Sub.P as per section 18 for a temporary camping and parking area for 30 days in July during the annual Blissfest Festival Special Event.

As owner/and or applicant representing the owner, I do certify: authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times. Please call ahead Jim 231-348-6239

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant Blissfest Music Org. 4/15/18
Printed Name of Applicant

*Required Signature of Property Owner Blissfest Music Org. 4/15/18
Printed Name of Property Owner Jim Gillespie, Director

Date
Hi Tammy, Jim Gellespie stopped by yesterday with potential temporary campground maps. The temporary campground rules would apply and I see no reason that such a plan would not meet the MDEQ criteria for such approval. Typically, the temporary campground permit would require that adequate toilet facilities, water sources and other rules be complied with.

Jim wanted me to pass along acknowledgement to you regarding the proposal, that it could be conceptually approved.

Thanks, Dan.

Daniel Begnoche RS
Environmental Health County Supervisor
Health Department of Northwest Michigan
3434 Harbor Petoskey Rd.
Harbor Springs, MI 49740
Office (231) 347-4638
Fax: (231) 347-2861
www.nwhealth.org
Impact Statement

Blissfest Music Organization (Jim Gillespie), Phone 231-838-6239  Case #

Project Title: Blissfest SUP Camp Ground Proposal
(Temporary Camp Ground and Parking area during the Annual Blissfest Special Event)
Blissfest Music Organization, 522 Liberty St., Petoskey, MI 49770
Tax Parcel #: 24-12-08-12-200-002 Readmond Township
3115 Division Rd, Pellston, MI 49769

1. Project Description

This is a Special Use Permit request for a special event temporary camp ground and parking area during the annual Blissfest Music Festival for 3 days in Mid-July. This SUP is allowed as per Emmet Zoning Ordinance Article 8: FF-1 & FF-2 Farm and Forrest Districts sec. 8.01 Special Uses- Campgrounds, with Supplemental Regulations (min. of 10 acres & 600’ frontage). This is a recently acquired 40 acre property (~1,320’ x 1,320’) that is adjacent and contiguous to existing Blissfest Music Organization property. It has 1,320’ of frontage along Division Rd. The property number is 12-08-12-200-002 and the address is 3115 Division Rd, Pellston, MI and is in Readmond Township.

The addition of this auxiliary special event temporary camp ground and parking area will help to reduce some of the congestion being experienced on the current festival site. In recent years there has been a shift from day ticket patrons to more weekend patrons adding to campground congestion. Additional camping and parking will alleviate density issues and allow for a more comfortable experience for our patrons. The addition of this property will also alleviate potential concerns regarding the loss of leased property that the festival currently uses.

The Blissfest will follow current existing conditions of use that are already in place for festival operations including security, traffic control, dust control, sanitation and noise. The camping area will accommodate 145 drive-in camp sites and 195 walk-in camp sites. There will be 140 parking slots allocated to the walk-in camping area and an additional 416 parking slots for long term weekend parking. This added camping and parking area will be slowly incorporated into the festival operations over the course of several years.

2. Expected Demands on Community Services

a. Sanitary Services- Blissfest will use its existing portable toilet service for the festival weekend and expand that service to meet the demands of this additional temporary camp ground. Blissfest will also provide trash receptacles and recycling receptacles for the camping and parking area. Blissfest will meet the requirements of the Department of Environmental Quality and the Northwest Health Dept. for temporary campgrounds, portable toilet service, water and trash.

b. Water- Blissfest will provide potable water using a portable tank for the new camping area. The water source will be a Type II public well that the Blissfest uses for the festival and is regulated and monitored through the Health Dept.

c. Traffic Volumes- There is some additional traffic volume during the 3 day festival in the areas around the festival site. We do not expect additional volumes since there will be about the same number of participants for the festival. They will be disbursed somewhat differently with the additional camping and parking areas. Blissfest will provide paid security and traffic controls for the new areas in keeping
with the existing conditions of use during the festival weekend. Blissfest will also construct an approved commercial entrance to the property in consultation with the Emmet County Road Commission.

d. There are no schools in the vicinity of the festival and schools are on summer break at the time of the event.

e. Fire protection- Blissfest will have the Readmond Firefighters and First Responders Team stationed at the festival site for most of the weekend. They have been part of our safety team for a number of years. The festival also has a 15,000 gallon of water installed along Division Rd. on the Blissfest property for fire department use. There is another 15,000 gallon community tank available ½ mile away also on Division Rd.

3. Environmental Impacts

a. Soil Erosion- Soil erosion will be minimal as the use proposed will be for a short period of time and the plan is to use the natural erosion controls of existing turf and Emmet profile soils.

b. Storm Drainage- Natural drainage will be adequate for this short term use.

c. Shoreline protection- N/A

d. Wildlife- There will be minimal wildlife impacts with the short duration of use.

e. Air Pollution- The festival will contribute minimally to some additional vehicle pollution in the area for the 3 days of the festival.

f. Water pollution- no adverse impacts predicted due to short duration of use

g. Noise- No overall additional noise is anticipated camping and parking area. Blissfest will comply with the noise requirements already in place for the other camping areas during the festival. There will be no festival related activities on this property other than normal gathering that takes place with any camping situation. A Host Camp and Private Security will also monitor the campground and parking area.
# Site Plan Review Checklist

**Subject Property Address:** 3115 Division Rd, Peniston, MI 49769

**Subdivision and Lot Number (If Applicable):**

**Tax Parcel Number:** 24-12-08-01-

**Township:**

**Proposed Use of Property:** SLIP for Camping & Parking For Special Event

**Proposed Number of Employees:**

---

## Checklist

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✔</td>
<td></td>
<td></td>
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<tr>
<td>Appropriate scale</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Name, Address and Phone Number of person preparing plan</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property line dimensions</td>
<td>✔</td>
<td></td>
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## Basic Zoning Information

<table>
<thead>
<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks: Front</th>
<th>Side</th>
<th>Side</th>
<th>Rear/Water</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

| Distance between buildings (nearest point to nearest point)       | ✔   |    |     |          |

| Location of new buildings and general floor plan. Dimensions of bldg.(s) = x Total sq.ft. = | ✔   |    |     |          |

| Proposed building elevations (to scale) Max. Height =             | ✔   |    |     |          |

| All existing structures (labeled) within 100 feet of perimeter property lines | ✔   |    |     |          |

| Multiple housing units -Number of units = composition (efficiency, one bedroom, two, three) | ✔   |    |     |          |

| Surrounding zoning (properties immediate to subject site)         | ✔   |    |     |          |

<p>| Lot coverage of proposed buildings =                               | ✔   |    |     |          |</p>
<table>
<thead>
<tr>
<th>Natural Features</th>
<th>yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>cut-croppings, severe topography, wetlands, woodlands, etc.)</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Has a wetland permit been applied for?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
<td></td>
<td></td>
<td>See soil map</td>
</tr>
<tr>
<td>18 Site Inventory provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td><strong>Drainage / Parking/ Roads</strong></td>
<td></td>
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<td></td>
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<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width</td>
<td></td>
<td></td>
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<tr>
<td>of Right-of-Way = ______          ______</td>
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</tr>
<tr>
<td>21 Loading/unloading, service areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways)</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Acceleration/deceleration lanes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Road agency approval?</td>
<td></td>
<td></td>
<td></td>
<td>Pending</td>
</tr>
<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>26 Parking spaces required ______, parking spaces actual ______</td>
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<tr>
<td>Handicap parking location and number ______</td>
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</tr>
<tr>
<td>27 Required landscaping in parking areas</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>29 Dumpster location, screening indication</td>
<td></td>
<td></td>
<td></td>
<td>No dumpsters</td>
</tr>
<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td>✓</td>
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<td></td>
<td></td>
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<tr>
<td>31 Location of Water/ well, Sewer/septic, and stormwater</td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>roads, parking lots, curbs, sidewalks and finished grades at building facades</td>
<td></td>
<td></td>
<td></td>
<td>Attach a sealed Engineered</td>
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<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td></td>
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<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<td>----------------------------------------------------------------------------------------</td>
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<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
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<td>Need detail</td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td></td>
<td></td>
<td>Temporary solar lights</td>
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<tr>
<td>Location of sign(s)*</td>
<td></td>
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<td></td>
<td>Temporary</td>
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<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.).</td>
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<tr>
<td>Impact Statement attached?</td>
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<td>Fire Department approval?</td>
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<td>Pending</td>
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<td>Fire hydrants and fire vehicle access.</td>
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<td>Road Agency approval?</td>
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<td>Health agency approval?</td>
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<td>Army Corps of Engineers approval?</td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
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*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:

![Signature](image)

Applicants Signature  
5/7/18  
Date
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 05/24/2018 CASE #: PSUP18-005

APPLICANT: BLISSFEST MUSIC ORGANIZATION

PROPERTY: 3115 DIVISION RD

TOWNSHIP: REAMDOND

REQUEST: Special Use Permit – Campground

FACTS:
- The property is zoned FF-2 Farm & Forest.
- The subject parcel is 40 acres in size (1320’x1320’).
- The Blissfest Music Organization owns 160 acres west of the subject parcel and 2.5 acres across Division Rd in Cross Village Township.
- Proposal to utilize property as overflow camping and parking as detailed by applicant on the Impact Statement submitted with the application. (145 drive-in camp sites and 195 walk-in camp sites, plus 556 parking spaces on grassy area).
- Three buildings exist on the property.
- One additional access on Division Road is proposed – access will need to be approved by Emmet County Road Commission. One driveway access exists.
- Blissfest Music Organization has approval to use 120 acres of their property west of the parcel through a Consent Judgment in 2002. The Consent Judgment was amended in 2013.
- DEQ permits required for campground use.
- Health Department email: “...it could be conceptually approved.”
- Existing structures to remain. Trash receptacles provided on-site.
- Existing conditions map provided (aerial).
- Fire Department review needed.
- Graphic requirements of site plan met. Site plan is to scale (1”=80’).
- No impervious surfaces to be created – so no drainage plan submitted.
- Consent Judgment included in packet (see Case PSUP18-004).
- Blissfest Review Committee meeting scheduled for May 30, 2018.

ZONING ORDINANCE STANDARDS:

SECTION 21.00 INTENT
Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to
ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 21.02 Special Land Use Review Standards

In reviewing all requests for Special Land Uses the Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration (See also Article 20 and Section 21.01):

A. Non-detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic. A traffic impact study may be required by the Planning Commission. There are large volumes of traffic for the festival. The traffic patterns will change as a result of this request. Overall, traffic management for the festival is addressed in the Consent Judgment, but traffic and vehicle access on the roads for safety has been a comment raised.

B. A large enough size of the parcel or project site to accommodate the use, its future expansion, customary accessory uses and on-site services (such as but not limited to sewage disposal and water supply). The site size is 40 acres. It is proposed to be used as parking and camping primarily to reduce congestion being experienced on the current festival site during the annual festival in conjunction with the other properties owned and used by Blissfest.

C. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies and capacity to absorb the anticipated sewage disposal demand. No sanitary facilities shown on this plan (porta-johns), however, the impact statement indicates sanitary services will be provided and expanded upon using the same services as used for the festival on the adjacent sites. Shower facilities and drinking water are provided on the adjacent Blissfest property.

D. Entrance drives to the use and off-street parking areas 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. Road agency review shall be required. Two access points are proposed, one exists. The revised (reduced sized plan) shows the location as modified, reportedly in response to the Road Commission's recommendations. The accesses are both 25 feet from the nearest intersection. ECRC review has been requested.

E. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan. With the exception of one weekend per year, the property is vacant land except there are three barn-type structures on the property. The proposed use is listed as a Special Land Use in the Zoning Ordinance with supplemental regulations.

F. Suitability of access to the use, assuring that minor residential streets are not used to
serve uses that have larger area-wide patronage. Minor streets/roads are used to gain access to the Blissfest property. The number of paid tickets is limited through the Consent Judgment.

G. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc. Plantings are shown along the road to screen the use. They are shown outside of the right-of-way.

H. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Land Use Project, may be required to be formally assured by one or more of the following instruments: Scenic Easement; Conservation Easement; Deed Restriction; or similar dedication mechanism.
Conservation Easement exists on the Blissfest property on the corner of Division and Hill Rds.

The open space dedication instrument shall name the State, the County, a Local Unit of Government, or a land conservation/conservancy organization, as a party to the instrument, as determined to be most acceptable for the particular property and agency involved.

Section 26.29 Travel Trailer Courts, Tenting Areas, and Campgrounds

26.29.1 FF-1, FF-2, and FR Districts

A. The minimum State of Michigan health requirements governing travel trailer courts and camping areas shall be complied with.
State of Michigan Campground Permit would be required.

B. The use shall be developed on a site of at least ten (10) acres and no less than 600 feet of lot width or property width.
This standard is met.

C. No person shall occupy any recreational unit for more than six (6) months in any one year.
This standard is met (use is limited to 3 days per calendar year).

D. The use shall not be visible from public streets and thoroughfares and shall be screened using a combination of privacy fencing and natural or planted greenbelts.
Evergreen trees are proposed to be planted along the perimeter of the property – along both Division Rd and Dzedzie Rd.

Draft Motions:

Motion to approve Case #PSUP18-005, Special Use Permit for a Campground to allow for camping and parking for three days in July during the annual Blissfest Special Event for parcel number 24-12-08-12-200-002, Section 12, Readmond Township as shown on the Site Plan dated Received May 7 2018 and as identified in the document titled Impact Statement dated Received
May 7 2018 because of the facts presented in the case, the proposal meets the standards of Section 8.01, Articles 21 and 20 – with the following conditions:
1) all outdoor lighting and signs must comply with the Zoning Ordinance standards and be detailed data sheets provided to the Zoning Administrator for review prior to installation,
2) all conditions of the amended Consent Judgment for the Blissfest Music Organization Annual Festival originally approved in 2002 and amended in 2013 are followed,
3) that the campground comply with all state and local laws and regulations,
4) that there be no outdoor public address system or outdoor amplified music on this site during the festival,
5) that noise from the property shall not cause a nuisance under the laws of Michigan or result in an unreasonable noise disturbance beyond the property lines,
6) that Emmet County Road Commission requirements be met,
7) that the use be screened from public view as shown on the site plan,

*(add other conditions or reasons for approval here).*

Motion to deny Case #PSUP18-005, Special Use Permit for a Campground to allow for camping and parking for three days in July during the annual Blissfest Special Event for parcel number 24-12-08-12-200-002, Section 12, Readmond Township as shown on the Site Plan dated Received May 7 2018 and as identified in the document titled *Impact Statement* dated Received May 7 2018 for the following reasons: *(Insert reasons here).*

To postpone until the next regular Planning Commission meeting Case #PSUP18-005, Special Use Permit for a Campground to allow for camping and parking for three days in July during the annual Blissfest Special Event for parcel number 24-12-08-12-200-002, Section 12, Readmond Township as shown on the Site Plan dated Received May 7 2018 and as identified in the document titled *Impact Statement* dated Received May 7 2018 for the following reasons: to allow the applicant time to provide additional information.
SITE PLAN - EAST 40 ANNEX - 4/23/18

SCALE 1/2 INCH = 40 FEET

Walk-in Camp Rugged = 30 sites
Walk-in Camp Young Forest = 165 sites
Drive-in Camp Field = 90 sites
Drive-in Camp Woods Edge = 55 sites
Total Camp Sites = 340 sites

Long Term Parking = 10x20 Slots = 30 ft. wide driveways = 416 slots
Walk-in Camp Parking = 10x20ft. slots = 140 slots

Jim Gillespie
914 Grove St.
Petoskey, MI 49770
231-939-6237

BLISSFEST MUSIC ORGANIZATION

LANDSCAPING
WHITE PINE SPACED 9' APART IN 2 staggered rows 16 FT. APART
Petoskey, MI 49770 ph: 231-838-6239
Existing Conditions- 3115 Division, Pellston, MI 49769
FF-1-2 Zoning Surrounding Area
Set backs: 20' side, 35' rear and 40' front
Existing Structures- Barn 25' x 50' - 75' from Division Rd,
Shed 16' x 28' - 20' from Rd, Shed 12'x16' - 125' from Rd
Natural Features: Mature forest SE 10 acres, sparse young
ash tree growth SW 10 acres, rolling meadow North 20
acres. Emmet Soils predominate. Sloping to the north with
2-12% slopes

Other Site Plan Considerations
White pines will be planted along the property line on Division Rd. for a visual
barrier. Temporary Solar lighting for the weekend will be used for the parking
areas. Temporary signs for the weekend will designate parking and camping areas.
Site will comply with state of Michigan temporary campground requirements with
the following amenities: Portable toilets, potable water (in mobile water tanks) and
refuse containers and recycling. Security and Host Camp will be present
Blissfest Parcels
Soil Map

#1 - 1995 - 40 Acre Main Festival Concert Area
(Vendors, Stages, and Store)

#2 - 1998 - 80 Acres Main Gate Entry
Camp North, Family Camp, Camp South

#3 - 2012 - 2.5 Acres White House
across the street

#4 - 2015 - 40 Acres Blissfest Forest
for the Future (BFF Gifted to Blissfest)

#5 - 2017 - New 40 Acres

#6 - 2001 - Leases 20 Acres "Back 40"
REQUEST

PSUP18-006

A request by Michelle Schlueter for a Special Use Permit for an accessory building as a main use to allow a 1,200 sq. ft. detached residential accessory building across the road from 10932 Botsford Ln, Section 36, Springvale Township. The property is zoned RR Recreational Residential and is tax parcel 24-14-17-36-101-025, but is Lot 51 in Supervisor John Roy's Plat of Pickerel Lake Shores. The request is to allow a 30'x40' residential accessory building per Sections 22.01 and 26.16 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzer@emmetcounty.org

DATE RECEIVED $ ___________________________ DATE PAID ___________________________

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name Michelle Schlueter  Phone 231 838 0376
Applicant's Address 10932 Botsford Lane
Applicant's Email Address mschlueter @ hotmail.com

Owner's Name Michelle Schlueter  Phone 231 838 0376
Owner's Address 10932 Botsford Lane
Owner's Email Address mschlueter @ hotmail.com

JOB SITE LOCATION:
Township: Springfield  Tax Parcel #: 24-14-17; 36-181-025
Address: Botsford Lane

ZONING REQUEST:
Planning Commission: X
Special Use Permit ☐
Site Plan Review ☐
Planned Unit Development ☐
Zoning Map Change ☐
Zoning Text Change ☐

Describe Request: Construct Pole Barn on Vacant Lot

REQUIRED USE INFORMATION
Ground floor area main building: 12,00 Sq. Ft.
Floor Area accessory building: 0 Sq. Ft.
Lot/Parcel Size: 7,500 Acres  Sq. Ft.
Site/Plot Plan required*
2 full sized & 14 reduced sized (max 11"x17") site plans required for Planning Commission cases.

Date Submitted Date Submitted
Elevation Drawing ☐ Site Inventory ☐
Engineered Drainage Plan ☐ Fire Dept Approval ☐
Soil Erosion Permit ☐ Wetlands Permit ☐
Health Dept. Approval/ ☐ Road Commission/ ☐
Sewer Taps ☐ MDOT Approval ☐

*Please attach a site/plot plan to show property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot. Review Section 2405 of the Zoning Ordinance for Site Plan requirements.

Other:
As owner/and or applicant representing the owner, I do X do ☐ authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant Michelle Schlueter  Date 5/1/18
Printed Name of Applicant Michelle Schlueter

*Required Signature of Property Owner Printed Name of Property Owner Date

5/1/18
# Impact Statement and Site Plan Review Checklist

**Applicant's Name:** Michele Schirmer  
**Subject Property Address:** 16932 Bottford Lane  
**Subdivision and Lot Number (If Applicable):** 51  
**Tax Parcel Number:** 24-17-36-101-025  
**Township:** Springfield  
**Proposed Use of Property:** Special Use, pole barn, fuel storage

## Impact Statement

### 1. Project Description
Give a description of the proposal:

Construct a pole barn

### 2. Expected Demands on Community Services
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

- **Sanitary Services**  
  None

- **Domestic Water**  
  None

- **Traffic Volumes**  
  None

- **Schools**  
  None

- **Fire Protection**  
  None
3. ENVIRONMENTAL IMPACTS
Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
   Stockpile location on House Site plan

b. Storm Drainage
   N/A

c. Shoreline Protection
   N/A

d. Wildlife

e. Air Pollution

f. Water Pollution

g. Noise

CHECKLIST

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<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
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<tr>
<td>Proposed site location map (Indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>✔</td>
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<td>2</td>
<td>Appropriate scale</td>
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<td>3</td>
<td>Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>✔</td>
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<td>Name, Address and Phone Number of person preparing plan</td>
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<td>Property line dimensions</td>
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<td>Basic Zoning Information</td>
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<td>Zoning setback lines - Building (including the eave) Setbacks: Front 40” Side 10” Side 10” Rear/Water 35”</td>
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<td>Location of new building and general floor plan Dimensions of bldg = 36’ x 40’ Total sq. ft. = 1200</td>
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<td>Proposed building elevations (to scale) Max. Height = 10'</td>
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<td>9</td>
<td>All existing structures (labeled) within 100 feet of perimeter property lines</td>
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<td>Surrounding zoning (properties immediate to subject site)</td>
<td>✓</td>
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<td>11</td>
<td>Lot coverage of proposed building = 16%</td>
<td>✓</td>
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<td>12</td>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.)</td>
<td>✓</td>
<td>No trees on Lot</td>
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<td>Has a wetland permit been applied for?</td>
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### Natural Features

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<td>Existing topography Flat+</td>
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<td>Soil analysis is it in a Critical Dune Area?</td>
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<td>Site Inventory provided?</td>
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<td>Are there scenic view considerations?</td>
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### Access

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<td>Access drive. Width of Right-of-Way = 50' Private Road</td>
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<td>Road agency approval?</td>
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### Other Site Requirements

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<td>22</td>
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<td></td>
<td>Affidavit of Use</td>
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</table>

**ADDITIONAL COMMENTS:**

---

*Michelle Schulte*  
Applicants Signature  
5/10/18  
Date
SUPERVISOR JOHN ROY'S PLAT OF PICKEREL LAKE SHORES
PART OF GOV'T LOTS 1 & 2, SEC. 36, T. 35N., R. 4W
SPRINGVALE TWP., EMMET COUNTY, MICHIGAN

ALL DIMENSIONS ARE IN FEET AND DECIMALS OF FEET

SCALE: 1 INCH = 100 FEET

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the Plat of Pickerel Lake Shores, as hereinafter described, is hereby dedicated and established as part of the public domain, and the same is hereby granted to the Township of Springvale, for public use and dedication, under the provisions of the Statutes of the State of Michigan, as amended.

EXAMINED AND APPROVED

[Signature]

SUPERINTENDENT OF HIGHWAYS

ACKNOWLEDGMENT

STATE OF MICHIGAN
COUNTY OF EMMET

On this 19th day of September, 1940, before me, a Notary Public in and for said County, personally came the person named John Roy, Township Supervisor of Township of Springvale, to me, and acknowledged the same to be his free act and deed as Supervisor.

[Signature]

TWO DAYS PARAMETERS OF EMMET COUNTY

The Plat was surveyed by the following persons:

[Signature]

SURVEYORS CERTIFICATE

I hereby certify that the plat hereon described is true and that the monuments consisting of said plat are clearly visible and at least two (2) inches in diameter and 12 inches in length, and that the same are so located as to be clearly visible to the public. The surveyor's corner stakes are of 8-inch I-beams with an over-all length of 48 inches, secured in a concrete block, and the surveyor's corner stakes are at least 12 inches in diameter and 12 inches in length, and have been placed at points marked on said plat. The surveyor's corner stakes are clearly visible to the public, and the same are so located as to be clearly visible to the public.

[Signature]

SURVEYOR IN CHARGE

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This Plat was examined and approved on the 25th day of July, 1940, by the Emmet County Board of Commissioners.

[Signature]

BOARD OF COUNTY ROAD COMMISSIONERS

CERTIFICATE OF APPROVAL BY COUNTY BOARD

This Plat was approved on the 25th day of July, 1940, by the Emmet County Board.

[Signature]

EMMET COUNTY BOARD

CERTIFICATE AS TO COUNTY ROADS

We hereby certify that said Plat appears to include land located on a County Road.

[Signature]

COUNTY TREASURER

CERTIFICATE OF MUNICIPAL APPROVAL

This Plat was approved by the Township Board of Springvale on a meeting held on July 25, 1940.

[Signature]

TOWNSHIP TREASURER

COUNTY SURVEYOR

COUNTY ENGINEER
BUILDING USE AFFIDAVIT

We, Michelle and Thomas Schlueker, make this affidavit to certify the use of the accessory building we wish to construct will be used in the following manner: Storage (propose)

The legal description of the property on which the accessory building is to be constructed or altered is located in the:

Twp/ City/Village of: Sprovelke (Circle one)
(Municipality)

County of Emmet, State of Michigan, described as: Supervisor John Ray's Plat of Pickerel Lake Shores, Lot 51

The address where the accessory building is located is:

10932 Botsford Lane, Petoskey, MI

Affiant(s) hereby certify that the accessory building located on the above described property will/will not be used for commercial purposes (circle one)

Michelle Schlueker
Print name

x

Thomas Schlueker
Print name

Date: 5/11/18

Subscribed and sworn before me this 10th day of May, 2018 personally appeared Michelle Schlueker

Document prepared by: Patricia Conti, Notary Public

Charlevoix County, State of Michigan

Acting in: Emmet County

My commission expires: Patricia Conti

Notary Public - Michigan
Charlevoix County
My Commission Expires Apr 24, 2021
Acting in the County of Emmet
Zoning Setbacks: front 40', side 10', side 10', rear 35'

Flat Lot
Vacant Lot
Lot Coverage 16%
Springvale Township Planning Committee
Regular Meeting Minutes May 21, 2018**

Members present: Stan Royalty, Becky Fettig, Bill Shorter and Dudley Marvin. Absent: Jim Scott

I. Call to order and attendance: Vice Chairman Royalty brought the meeting to order at 7:30 PM.

II. Minutes: March 26 Minutes were approved as presented with Fettig motioning and Royalty seconded, Shorter and Marvin ayes. (Note the April meeting was canceled for lack of agenda items.

III. Public Comment & visitors: Alyce Conrad, Michelle Schlueter

IV. Reports: County Planning Commission: No report. Township Board: Fettig noted that the Board discussed the Mitchell Road landscaping business. No action for the SPC. ZBA: No report.

V. Old business:

VI. New business: Case #PZBA 18-006, This is a request by Tom and Michelle Schlueter for a dimensional variance. Front Yard setback requested (14 feet) at 10932 Botford Lane. Garage setback from road. Shorter presented additional notes regarding set back averaging for the case (May 21, 2018 from Tammy Doemenburg); And after discussion Shorter motioned to recommend approval by the ZBA, with the consideration that the slope of the property creates a hardship for the applicant to comply with the setback. Fettig seconded and the vote was unanimous.

Case #PSUP18-006: Planning Commission. A request by Tom and Michelle Schlueter for a Special Use Permit, for an Accessory Building as a primary use at 10932 Botsford Lane.

Shorter provided additional notes from Tammy Doemenburg concerning the case, and after discussion; Shorter moved to recommend approval to the Planning Commission. Fettig Seconded and the vote was unanimous.

VII. Planning ideas and work in progress: Marvin noted that part of the Committee's responsibilities are for Township Recreation, and that the Township Park on Township Park Road was prime waterfront recreational property and asked if the Planning Committee or the Township Board had received any comments or ideas for this park. Royalty noted that the pavers on the ramp were in disrepair, but not other comments had been received by the Committee. Fettig offered to ask the Township Board for comments.

VIII. Announcements: None

IX. Adjournment at 8:21 pm.

_________________________ Authorized Signature

** SPC minutes are “not approved” until accepted at a subsequent SPC meeting, and/or signed by the Chairman, Acting Chairman or Secretary

RECEIVED

MAY 22 2018
EMMET COUNTY
PLANNING & ZONING
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 5/23/18          CASE #: PSUP18-006

APPLICANT: Michelle Schlueter

PROPERTY: Botsford Lane — opposite 10932 Bostford Ln

TAX ID: 24-14-17-101-025

TOWNSHIP: Springvale

REQUEST: Special Use Permit — Accessory Building as a Main Use

FACTS:
- The property is zoned RR Recreational Residential.
- The property is approximately 0.37 acres in area and is one tax parcel comprised of two legally non-conforming platted lots, one on each side of Botsford Lane.
- Botsford Lane is a private road.
- The proposed building meets the setback standards of the Zoning District.
- Accessory building permitted size = 1,200 sq. ft. (front, side or rear yard). Accessory building size proposed = 1200 sq. ft.
- The building is proposed for the south side of Botsford Lane. A residence could possibly be constructed in front of the proposed accessory building. Septic is shown at the rear of the site and appears to be a raised system.
- There are no trees on the parcel.
- Affidavit of Use has been submitted showing the use as storage/not commercial.
- A residence has been permitted on the north side of the property across Botsford Ln. from this platted lot. A front yard setback variance has been requested for a detached accessory building on the north side of the tax parcel.
- Springvale Township recommended approval.

Section 22.01 - Accessory Buildings

22.01.1 Accessory Residential Buildings Setbacks and Floor Areas — Reviewed by Zoning Administrator unless otherwise indicated

B. Accessory Buildings (200 Square Feet and Greater) as a Main Use

1. In Residential Zoning Districts, customary accessory residential buildings two hundred (200) square feet and greater may be constructed without the requirement for a main building subject to a Hearing and approval of the Site Plan by the Planning Commission when the following conditions are met:
   a. The structure is sited in such a manner as to permit the construction of a legal main use at a future time, but shall be subject to the size limitations listed in Section 22.01.1 (A.4). For these regulations, rear yard shall refer to a location 100 feet or deeper from the front property line, which is also the road right-of-way line.
The building meets the size standards. A residence may be possible on the front of the lot, or the building could contain living quarters.

b. The structure is constructed of materials and is consistent with existing dwellings in the immediate vicinity so it does not have a devaluing influence, in the opinion of the Planning Commission. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.

Pole Barn construction is proposed.

c. The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.

There are no trees to provide screening on this site. The road is a private road.

d. All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.

Use is listed on the affidavit of use as storage and not commercial.

e. Buildings constructed under this Section shall not be used for any purposes except to store personal property related to permitted uses of the site, and such structures shall not be occupied by or used to house persons or animals (unless on a farm) or otherwise be a base for any activities not permitted in the district.

Applicant has submitted an affidavit of use showing personal storage and not commercial.

f. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded before issuance of a zoning permit.

Affidavit of use has been submitted and would need to be recorded with the ROD prior issuance of a zoning permit.

Draft Motions:

To approve Case #PSUP18-006, Michelle Schluerer for a Special Use Permit for an Accessory Building as a Main Use on property located on the south side of Botsford Lane, Section 36, Springvale Township, tax parcel 24-14-17-36-101-025, as shown on the site plan dated May 11 2018 because the standards for allowing an Accessory Building as a Main Use have been met, a residence could be constructed on the property in the future, Springvale Township recommended approval and on condition that the affidavit of use be filed with the Emmet County Register of Deeds before the Zoning Permit is issued and (other conditions or statement of facts may be inserted here).

To deny Case # PSUP18-006, Michelle Schluerer for a Special Use Permit for an Accessory Building as a Main Use on property located on the south side of 10932 Botsford Lane, Section 36, Springvale Township, tax parcel 24-14-17-36-101-025, as shown on the site plan dated May 11 2018 for the following reasons: (list reasons).
REQUEST

PSPR18-005

A request by The Windward Group, LLC for Northern Lights Ventures, LLC and The Village At Alanson LLC for Site Plan Review amendment for expansion of the mobile home park located at 6760 South Prospect, Section 3, Littlefield Township. The property is zoned R-2 General Residential and is tax parcel 24-07-17-03-300-004. The request is per Articles 5, 20 & 21 as applicable to the Mobile Home Park.

LOCATION
**APPLICATION FOR ZONING ACTION**
EMMET COUNTY OFFICE OF PLANNING, ZONING, AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pPCR@emmetcountymi.org

DATE RECEIVED: 5-15-18
FEE: 100.00

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

**APPLICANT’S INFORMATION:**

**Applicant’s Name:** The Windward Group, LLC  
**Phone:** 231-499-8853

**Applicant’s Address:** 404 Hughes Drive, Suite A Traverse City, MI 49696

**Applicant’s Email Address:** joel@thenwindwardgroupllc.com

**OWNER’S INFORMATION:**

**Owner’s Name:** Northern Light Ventures, LLC and The Village at Alanson, LLC  
**Phone:** same as above

**Owner’s Address:** same as above  
**Owner’s Email Address:** same as above

**JOB SITE LOCATION:**

**Township:**  
**Tax Parcel #:** 24-07-17-03-300-004

**Address:**

**ZONING REQUEST:**

**Planning Commission:**

- [ ] Special Use Permit
- [ ] Site Plan Review
- [ ] Planned Unit Development
- [ ] Zoning Map Change
- [ ] Zoning Text Change

**Required Use Information**

- Ground floor area main building: na Sq. Ft.
- Floor Area accessory building: na Sq. Ft.
- Lot/Parcel Size: m²31.7 Acres  
- Site/Plot Plan required*

2 full sized & 14 reduced sized (max 11”x17”)
site plans required for Planning Commission cases.

**Describe Request:**

Mobile Home Park preliminary plan review
via site plan amendment procedure

*Please attach a site/plot plan to show:
property dimensions, front, rear, and side yard setbacks; streets, roads, and all buildings on the lot.
Review Section 2405 of the Zoning Ordinance for Site Plan requirements.

**Other:**

As owner/and or applicant representing the owner, I do authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the information above is accurate to my fullest knowledge:  
Joel Reb  
5/15/2018

**Signature of Applicant:**

**Printed Name of Applicant:** Joel Reb  
5/15/2018
May 11, 2018

Via Email: tdoernenburg@emmetcounty.org and Priority Mail

Tammy Doernenburg, Director
Emmet County Planning and Zoning
3434 Harbor-Petoskey Rd, Suite E
Harbor Springs, MI 49740

RE: 6760 S. Prospect Alanson, MI - Parcel ID No. 07-17-03-300-004

Dear Director Doernenburg:

As we have discussed, the above mentioned mobile home park operates under an existing permitted use for this parcel. Therefore, per your instructions, we have utilized the site plan amendment process for the preliminary plan review of the improvements related to the park as no mobile home park preliminary plan review process has been promulgated by the county. This is the case in most municipalities, and while much of the items typically required for a site plan review are included, I would note that some items may be different or not applicable as a result of the application of the Mobile Home Commission Act ("Act") and the rules promulgated pursuant to the Act, both of which are attached for your reference. Specifically, the Act preempts local zoning authority for nearly every aspect of mobile home park land use. For example, a "site plan review" is not required. What is required is a "preliminary plan review". Such review requires that the applicant submit a preliminary plan to the local zoning authority which provides the location, general layout, general design and general description of the project. Uniquely, the Act requires that the preliminary plan shall not include detailed construction plans.

The areas which local municipalities have some authority are those areas where the zoning is not preempted by the Act, availability to municipal water supply, sewage service and drainage and fire laws. As a practical matter little is required in the preliminary plan and the County has little authority to regulate. However, I want to reiterate that the plan provided is much more encompassing then what the Act requires but may be something different or less than what you usually review. Per the Act, the zoning authority has 60 days from receipt of the preliminary plan to either approve, deny or modify the preliminary plan. If that is not done after 60 days, the preliminary plan will be considered approved. Once the preliminary plan is approved the remaining approval process vests in LARA. All the details shown in the drawings
are consistent with the Manufactured Housing Rules R 125.1101 et seq. Enclosed please find the applicable check list, drawings and analysis.

These can be somewhat counter intuitive processes from traditional zoning approvals so should you have any questions, please feel free to contact me. Otherwise, I believe the enclosed is somewhat self-explanatory.

Sincerely,

KUHN ROGERS PLC

Marc S. McKellar II
Direct Dial: (231) 947-7901 x106
msmckellar@krlawtc.com

Enclosures
IMPACT STATEMENT
FOR SITE PLAN REVIEW

Northern Lights Ventures, LLC
The Village at Alenson, LLC

APPLICANT'S NAME ____________________________ CASE# __________________

PHONE NUMBER 231-997-7000 DATE 5-11-18

PROJECT TITLE ____________________________

PROPERTY TAX ID
#24-07-17-03-300-001 TOWNSHIP Littlefield

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

The proposed development includes expansion of an existing 20-unit mobile home community. This additions and improvements for the community include 20 additional mobile home units, a new water distribution system, expansion of an existing sanitary sewer system, parking and cul-de-sac addition onto an existing internal road, street lighting, and associated sitework. Based on the Emmet County Census, there are approximately 2.3 persons per household (2012-2016) which would equate to approximately 46 people for the existing community. This number may vary based on mobile home occupancy, but could potentially double to 92 people with the addition of the 20 new lots. Vehicle traffic will be influenced by the number of additional units occupied.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES

Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services
Sanitary sewer within the community will expand to meet the needs of the additional units. Proposed sanitary sewer will tie into the existing system that connects to the Harbor Springs Area Sewer Authority waste disposal system in the US 31 right-of-way.

b. Domestic Water
At least one new well is proposed for the site. The new well will be part of a new water distribution system that includes a new well pump, wellhouse, 3" water main, and associated valves and connections to mobile home units. The existing system is undersized and will be removed or abandoned in-place.

c. Traffic Volumes
The number of vehicles entering and leaving the community will increase based on the number of occupied units and vehicles per unit.

d. Schools
At this time, there are no foreseeable impacts to local schools.

e. Fire Protection
The proposed cul-de-sacs at the ends of the internal road are in compliance with the International Fire Code for acceptable end treatments of a dead-end road.

3. ENVIRONMENTAL IMPACTS

Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
During site development, all necessary measures will be placed to mitigate construction activity-influenced storm runoff. These measures will likely only consist of silt fencing.

b. Storm Drainage
While impervious area will be added to the site, the small amount of additional stormwater that will be produced is anticipated to infiltrate the sandy soils and/or gradually runoff towards the east end of the property.

c. Shoreline Protection
N/A (no shorelines in the vicinity)

d. Wildlife
The proposed site development will have a minimal impact on wildlife. The community is located in generally residential area with lightly wooded forest occupying the south end of the property and also the adjacent property to the south. Clearing on the south and north end(s) of the site is proposed to accommodate new mobile home lots.

e. Air Pollution
At this time, there are no foreseeable impacts to air pollution.

f. Water Pollution
N/A

g. Noise
At this time, there are no foreseeable impacts to noise except during construction activity.
### SITE PLAN REVIEW CHECKLIST

**Case #**

**Date Received**

**Subject Property Address** 6760 South Prospect (Alanson Estates Mobile Home Park Subdivision and Lot Number (If Applicable))

**Tax Parcel Number:** 24-____-____-____-_____ - (07-17-03-300-004)

**Township** Littlefield

**Proposed Use of Property** Mobile Home Park Expansion

**Proposed Number of Employees** N/A

### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>X</td>
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<td>2 Appropriate scale</td>
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<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways)</td>
<td>X</td>
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<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>X</td>
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<td>5 Property line dimensions</td>
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<table>
<thead>
<tr>
<th>Basic Zoning Information</th>
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<tbody>
<tr>
<td>6 Zoning setback lines -Building (including the eave) Setbacks: Front____ Side____ Side____ Side____ Rear/Water____</td>
<td>X</td>
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<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>X</td>
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<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg(s) =____ x____ Total sq ft. =____________</td>
<td>X</td>
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<td>9 Proposed building elevations (to scale) Max. Height =________________</td>
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<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
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<tr>
<td>11 Multiple housing units -Number of units =________, composition (efficiency, one bedroom, two, three)</td>
<td></td>
<td>X</td>
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<td>12 Surrounding zoning (properties immediate to subject site)</td>
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<td>13 Lot coverage of proposed buildings =____________</td>
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<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
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<td>14 Boundaries of existing natural features (trees, lakes, ponds,</td>
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<td>X</td>
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<td>streams, rock out-croppings, severe topography, wetlands, woods, etc.)</td>
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<td>15 Has a wetland permit been applied for?</td>
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<td>16 Existing topography</td>
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<td>17 Soil analysis is it in a Critical Dune Area?</td>
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<td>18 Site Inventory provided?</td>
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<td>19 Are there scenario view considerations?</td>
<td></td>
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<td>20 <strong>Drainage / Parking/ Roads</strong></td>
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<td>21 Access drives, internal roads (note public or private) service</td>
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<td>roads. Width of Right-of-Way =__________</td>
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<td>22 Loading/unloading, service areas</td>
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<td>23 Sidewalks, paths, and trails (internal and public within road right-</td>
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<td>of-ways).</td>
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<td>24 Acceleration/deceleration lanes</td>
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<td>25 Road agency approval?</td>
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<td>26 Parking areas (dimensioned typical parking space, maneuvering</td>
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<td>lanes)</td>
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<td>27 Parking spaces required____, parking spaces</td>
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<td>actual____ Handicap parking location and number____</td>
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<td>28 Required landscaping in parking areas</td>
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<td>X</td>
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<td>29 Snow storage/snow management plan</td>
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<td>30 Dumpster location, screening indication</td>
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<td>31 Existing easements (utility, access) within site limits</td>
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<td>32 Location of Water/Well, Sewer/Septic, and stormwater</td>
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<td>33 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
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<td>roads, parking lots, curbs, sidewalks and finished grades at building facades)</td>
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<td>Attach a sealed Engineered Drainage Plan.</td>
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<td>33 Proposed retention/detention sedimentation ponds</td>
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<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
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<td>N/A</td>
<td>Comments</td>
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<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthen berms, etc.)</td>
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<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
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<td>Location of sign(s)*</td>
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<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
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<td>Impact Statement attached?</td>
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<td>Fire Department approval?</td>
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<td>Fire hydrants and fire vehicle access.</td>
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<td>No hydrants</td>
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<td>Road Agency approval?</td>
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<td>Health agency approval?</td>
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<td>Army Corps of Engineers approval?</td>
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<td>Michigan Department of Environmental Quality approval?</td>
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*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:


Applicants Signature

5/11/18

Date
AN ACT to create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts.


The People of the State of Michigan enact:

125.2301 Short title.
Sec. 1. This act shall be known and may be cited as "the mobile home commission act".

Compiler's note: For transfer of powers and duties of the mobile home commission from the department of commerce to the director of the department of consumer and industry services, see R.R.O. No. 1990-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

125.2302 Definitions.
Sec. 2. As used in this act:
(a) "Campground" means a campground as defined in section 12501 of the public health code, 1978 PA 368, MCL 333.12501.
(b) "Code" means all or a part of the mobile home code promulgated under section 5.
(c) "Commission" means the manufactured housing commission.
(d) "Department" means the department of licensing and regulatory affairs, except as follows:
(i) Department means the department of state in all of the following circumstances:
(A) As used in section 5(1) with respect to rules promulgated under section 5(1)(a).
(B) As used in section 9(5) with respect to rules adjusting fees under section 30a or 30c.
(C) As used in sections 30 to 30t.
(ii) Department, as used with respect to powers and duties concerning water supply systems and sewage collection and disposal systems for mobile home parks and seasonal mobile home parks, means the department of environmental quality.
(e) "Guideline" means that term as defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.
(f) "Installer and repairer" means a person, including a mobile home dealer, who for compensation installs or repairs mobile homes.
(g) "Local government" means a county or municipality.
(h) "Mobile home" means a structure that is transportable in one or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.
(i) "Mobile home dealer" means a person other than a manufacturer engaged in the business of buying mobile homes for resale, exchange, lease, or rent or offering mobile homes for sale, lease, rent, or exchange to customers.
(j) "Mobile home park" means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
(k) "Municipality" means a city, village, or township.
(l) "Person" means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.
(m) "Recreational vehicle" means a vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.
(n) "Seasonal mobile home park" means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 05/24/2018 CASE #: PSPR18-005

APPLICANT: NORTHERN LIGHTS VENTURES LLC

PROPERTY: 6760 SOUTH PROSPECT

TOWNSHIP: LITTLEFIELD

REQUEST: Site Plan Review - Amendment

FACTS:
- The property is zoned R-2 General Residential.
- The property is approximately 7 acres in area.
- The property was approved for expansion of a Mobile Home Park in 1977 from 10 to 20 units.
- Mobile Home Park is a Special Land Use in the Zoning District, however, the use has been approved. The review is Site Plan Review amendment.
- The site is adjacent to other residential uses and vacant land. It fronts on US-31 and the North Western State Trail. Access is through two existing drives.
- MDOT review would not appear to be needed.
- Mobile Home Parks are regulated by the Mobile Home Commission Act, PA 96 of 1987 and restrict local zoning authority.
- The proposed building meets the setback standards of the Zoning District for the front yard and side yard for single family dwellings, but those setback standards are regulated by the PA’s Administrative Rules, so the front setback is greater (50’) than the Zoning Ordinance standards.
- Proposal would double the dwelling units within the development. The proposal includes a mixture of modular-units and single-wide mobile homes.
- Stormwater is regulated by the PA’s Administrative Rules, so no drainage plan can be required.
- A new water distribution system and expansion of the existing sanitary sewer system are proposed. Sewer will connect with the Harbor Springs Area Sewer Disposal Authority waste disposal system.
- Traffic volumes would expect to increase (double). Access is to a State Trunkline.
- No dumpsters are shown on the plan.
- No snow storage area shown on plan.
- Outdoor lighting is identified on the plan. Lighting levels are regulated by the PA’s Rules.
ZONING ORDINANCE STANDARDS:

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

Appears to be in compliance with state standards.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

New parking areas proposed, cul-de-sac added, site layout subject to state standards. Site is adjacent to North Western State Trail (pedestrian pathway). No internal trails.

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

Regulated by state standards.

D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

N/A

E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

None shown on plan.
F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use. *Some screening exists on the property line. None required – residential use.*

G. DRAINAGE: Regulated by state standards.

H. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related. *Shown on the plan.*

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements - *None shown.*

J. MECHANICAL OR ELECTRICAL EQUIPMENT: *None shown – likely N/A.*

Staff Comments:
This review by the Planning Commission is limited based on the Public Act regulating Mobile Home Communities.

Items to consider:
1) No dumpster shown on the plan, however, the existing dumpster appears to be located in the front setback, no screening, suggest requiring screening for the dumpster in accordance with Zoning Ordinance standards.
2) No snow storage area shown on the plan, suggest identifying area for snow storage areas.
3) Lighting is not fully shielded. While lighting levels cannot be regulated, full-shielded, down-directed lighting should be required to be compliant with the Zoning Ordinance.
4) Suggest requiring existing vegetation to remain in the setback areas to the greatest extent possible. Much of the locations to be developed are wooded.

Draft Motions:

To **approve** Case #PSPR18-005, The Windward Group LLC for Northern Lights Ventures LLC and The Village at Alanson LLC for Site Plan Review – amendment for an expansion of a mobile home park on property located at 6760 South Prospect, Section 3, Littlefield Township, tax parcel 24-07-17-03-300-004, as shown on the site plan dated Received May 14, 2018 because the applicable standards of the Zoning Ordinance have been met and on condition that any exterior lighting be fully-shielded, full cut-off, that the dumpster be screened and setback as required by the Zoning Ordinance, that snow storage area be identified on the plan and that the existing vegetation within the perimeter setback be retained to the greatest extent possible or replaced to partially screen from the road right-of-way and non-motorized trail... *(other conditions or statement of facts may be inserted here).*

To **deny** Case #PSPR18-005, The Windward Group LLC for Northern Lights Ventures LLC and The Village at Alanson LLC for Site Plan Review – amendment for an expansion of a mobile home park on property located at 6760 South Prospect, Section 3, Littlefield Township, tax parcel 24-07-17-03-300-004, as shown on the site plan dated Received May 14, 2018 for the following reasons: *(list reasons).*
THE WINDWARD GROUP
PLANS FOR
ALANSON ESTATES MOBILE HOME PARK
SITE EXPANSION AND INFRASTRUCTURE IMPROVEMENTS
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 05/25/2018

CASE #: PPTEXT18-01

APPLICANT: Emmet County Planning Commission

REQUEST: Amend Emmet County Zoning Ordinance – Accessory Uses on a Farm Operation

FACTS:
- The Emmet County Planning Commission has reviewed this topic since June 2, 2016. Various versions of the proposed amendment have been reviewed since November, 2016.
- A Michigan Right to Farm Act Workshop (MSUE) was held for Planning Commission members in October, 2016.
- The draft was sent to all townships with County-wide zoning in July 2017. Comments were received and evaluated for inclusion – text amended as a result.
- Civil Counsel has reviewed the proposed text. Comments were received and incorporated into the text.
- The text is intended to allow limited commercial accessory activities on active agricultural properties.
- First Public Hearing 6/7/2018. Notifications have been sent to the required entities and townships with county zoning.
- Compilation of Minutes available (sent via email).

ZONING ORDINANCE Proposal:

PPTEXT18-01
A request by Emmet County Planning Commission to amend the Emmet County Zoning Ordinance as follows:
Add Farm Operation Accessory Uses to Section 8.01 Farm and Forest Principal Uses and Special Uses Permitted with an “S*” in the table.
Add Farm Operation Accessory Uses to Section 18 Land Use Matrix with an “S*” in the table.
Add “Section 26.51 Accessory Uses” Text follows: “26.51 FF-1 or FF-2 District”

Intent
It is the intent of these zoning provisions to:
- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Specified commercial accessory uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Accessory Uses: The uses permitted pursuant to this Section may include one or more of the following: 1. Social events which may include weddings, receptions, and similar social activities.
2. Concerts and Festivals.
Uses permitted within this section must be clearly incidental/accessory to a “Farm Operation” as defined by the Michigan Right to Farm Act (1981 PA 93, as amended).

B. Outside Activities: All primary activities which involve sound systems or sound amplification systems shall maintain a decibel level not to exceed 75 dB(A) at any property line between the hours of 10AM through 10 PM Sunday through Thursday and 10AM through 11 PM Friday and Saturday. All other hours, decibel levels may not exceed ambient sound levels.

C. Owner Occupancy: Buildings and uses permitted shall only be approved on properties occupied by the owner and be the primary place of the owner’s residence.

D. Site Size and Setback: The accessory use shall be meet the minimum setback standards of the zoning district. Setback standards shall apply to the accessory use and structures associated with the accessory use.

E. Hours of Operation: The Accessory Use shall be limited to the hours of 8AM to 11PM.

F. Building Limitations: The ground floor area of permanent structures associated with the uses permitted shall not exceed an area of 2,400 sq. ft.

G. Parking: Parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance except that parking areas shall be setback a minimum of 100 feet from the side and rear property lines and 40 feet from the road right-of-way. Parking shall be adequate to accommodate all users and uses on-site. Parking shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening: The accessory use shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

I. Lighting: Lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. Signs: Accessory signs shall follow the Standards of Section 22.07 of this Ordinance. Uses listed above may be approved by the Planning Commission, if the intent of Article 8 FF-1 and FF-2 Farm and Forest and this Section 26.51 are kept and the surrounding properties are protected from nuisances. These standards shall not apply to private (non-commercial) similar uses on properties used for residential purposes and which occur on an occasional basis (four times per year or less). These standards shall not apply to approved religious institutions.

Draft Motions:

To recommend approval of Case PPTEXT18-01, Emmet County Planning Commission, Text Amendment, Accessory Uses to Farm Operations as proposed based on the history of the review by the Planning Commission, the public comments received, and

To deny Case PPTEXT18-01, Emmet County Planning Commission, Text Amendment, Accessory Uses to Farm Operations as proposed based on the following reasons: (list reasons).

To Postpone Case PPTEXT18-01, Emmet County Planning Commission, Text Amendment, Accessory Uses to Farm Operations as proposed until the next regular meeting to allow townships and public to comment on the proposed text amendments.
DATE: 05/25/2018  
CASE #: PPTEXT18-02

APPLICANT: Emmet County Planning Commission

REQUEST: Ordinance Text Amendment – Farm Labor Housing

FACTS:
- Proposal to add a use to allow farm labor housing as a permitted use on an active agricultural property.
- The proposal is supported by the Goal of the Master Plan to “Provide for safe, sanitary, and affordable housing.

PROPOSED ZONING ORDINANCE STANDARDS:
PPTEXT18-02
A request by Emmet County Planning Commission to amend the Emmet County Zoning Ordinance as follows:

Add Farm Labor Housing as a permitted use with Supplemental Regulations (P*) in all residential and Farm and Forest Zoning Districts and to Section 18 Land Use Matrix with a “P*” in the table.

Also add the following Section and text: “Section 26.52
The purpose of this section is to:
a) Provide affordable housing options for employers of seasonal commercial farm workers.
b) Support agriculture and recognize the need for farm labor housing.
c) Help implement the Master Plan goals for housing and agriculture.

“Definitions for this Section:
Farm Employee means any person who gains income from employment on a commercial farm.
Farm management unit means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structure and facilities, producing agricultural or horticultural products, and operated as a single enterprise.
Farm labor housing is a new or existing single-family dwelling or dwellings occupied seasonally by farm employees and their family members (as defined) who are employed at least 51 percent of the growing season on a commercial farm where the seasonal farm labor housing is located and vacated at least 90 consecutive days during a 12 month period. Any housing occupied by the land owner or his/her family is not considered farm labor housing.
Farm labor housing units shall be permitted as an accessory use on a commercial farm in all zoning districts, subject to compliance with the following requirements in addition to the existing zoning district standards:
1) The parcel on which the housing is located is at least 20 contiguous acres;
2) The unit must be a permanent structure.
3) The occupants must use the same driveway as the farm operation or principal residence on the property;
4) The dwelling(s) shall maintain the components necessary so that the definition of dwelling unit is satisfied. It may contain one or more buildings within a one acre area.
5) Density shall not exceed the maximum permitted within the entire parcel.
6) Farm labor housing shall be sited near the farm infrastructure if it exists.
7) Cluster housing may be permitted by the Zoning Administrator provided the minimum density standards of the Zoning Ordinance are maintained, no greater than 1 acre is utilized for the farm labor housing, and that the housing shall be removed if it does not meet the minimum zoning district standards for dwelling units if the property converts from a commercial farm use.
8) A maximum of 10 bedrooms may be permitted within one single dwelling unit.
9) The farm labor housing unit shall not exceed two stories.
10) The maximum area for a farm labor housing unit shall not exceed 3,500 sq. ft.

Draft Motions:

To recommend approval of Case PPTEXT18-02, Emmet County Planning Commission, Text Amendment, Farm Labor Housing as proposed based on the facts presented in the case and review by the Planning Commission, the public comments received, and

To deny Case PPTEXT18-02, Emmet County Planning Commission, Text Amendment, Farm Labor Housing as proposed for the following reasons: (list reasons).

To Postpone Case PPTEXT18-02, Emmet County Planning Commission, Text Amendment, Farm Labor Housing as proposed until the next regular meeting to allow townships and public to comment on the proposed text amendments.
To: Emmet County Planning Commission, Zoning Board of Appeals & Board of Commissioners

From: Planning, Zoning & Ordinance Enforcement, Tammy Doemenburg Director

Date: Prepared for Emmet County Planning Commission June 2018 meeting

Subject: Status of Enforcement Issues


2. **Maple River** – 1526 Plains Rd – Three horses on 1.25 acre property reported by Township Supervisor 8/1/2016. Investigated, sent letter 8/16/16. Received email … owner trying to lease or buy enough land in the vicinity to meet Ordinance standards. Second letter sent 11/21/2016. Received a call from owner working toward commercial farm to that the farm use would be exempt from zoning. Owner contacted office for options 1/23/2017. No change as of 4/6/2017. 5/1/2017 received email from property occupant who has purchased land for the horses and will be moving them within a month or two. Will follow-up mid-June. Horses still located on property on 7/6/2017. Sent email to horse owner asking for an update 9/12/2017. Sent email 11/17/2017 – no response to date. Sent final notice on 1/29/2018 – owner contacted staff – waiting for electric company to install electricity for fence enclosure. Will follow-up in Spring 2108. 5/7/2018 – received email from owner that horses have been moved. Confirmed on 5/8/2018 – compliance achieved.

3. **Littlefield** – 5/26/2017 – 3656 Oden Rd. Reports of property being used in violation of PUD. 6/14/2017 – after confirmation and photos received, sent letter to owner and adjacent owners. 6/19/2017 received call from one adjacent owner. 7/1/2017-7/8/2017 received photos from adjacent owner. Follow-up letter needs to be sent. Discussed with Civil Counsel 7/24/2017. Follow-up letter sent 8/22/2017. Received call from owner’s legal counsel on Aug 30, 2017. Owner was to contact office to discuss options for “putting property into productive use.” No additional contact to date. 9/21/2017 – emailed legal counsel for property owner. Meeting scheduled for 10/17/2017. Owner looking at options for submission to ZBA (Temp Use) or Planning Commission. 12/13/2017 – sent letter to owner requesting application for compliance by mid-January 2018. Received two calls from parties interested in resolution. Received FOIA request on 12/29/2017 for entire file. Continued conversations with adjacent land owners. Will continue to follow-up as necessary. 5/21/2018 – sent letter requesting compliance. Same day received photos showing violation of parking.

4. **Littlefield** – 8746 Littlefield Ln - 8/7/2017 (prior violation) – application received for addition. Site inspection conducted and proposed addition found to be in setback. No permits issued. 8/17/2017 – inspection conducted – no construction had begun. 8/29/2017 – report of work without a permit. 8/30/2017 – site inspection done. 30/2017 letter sent – stop work. 9/1/2017 – follow-up inspection conducted. Found corner markers – addiction in violation of front setback. 9/11/2017 – met with owner in office and on site. ZBA variance requested 9/11/2017. Posted Stop Work Order on 9/14/2017 as construction appeared to have continued without permits. 10/17/2017 ZBA denied request. 10/19/2017 staff met with property owner to discuss options. Indicated that he would need to address the issue and keep lines of
communication open and make progress toward compliance. Owner contacted office to indicate he's trying to contact a surveyor to survey his property. Time allotted for compliance. 12/13/2017 Received call from owner indicating they are not going to seek compliance. 1/8/2018 - Consulted with Civil Counsel on next steps. 1/17/2018 - sent final notice to owners requesting compliance. Issued "Notice of Violation" 1/29/2018. Owner responded to Civil Counsel requesting formal hearing. "Notice to Appear" for formal hearing issued 2/12/2018. Formal Hearing scheduled for 3/28/2018. Formal Hearing rescheduled for 4/4/2018 at 11AM. Court hearing moved to 4/11/2018 - adjourned to allow property owner to consider options. Rescheduled for 5/16/2018. Staff has been in contact with surveyor regarding the site. Survey expected by end of April. 5/9/2018 - no survey received - phoned surveyor who indicated issue was worse than originally thought. Contacted property owner to ascertain status of case. Planning for court on 5/16/2018. Owner has hired legal counsel and requested adjournment until 6/20/2018.

5. Littlefield - 9/11/2017 - Sent letter to 6760 South Prospect - mobile home located at or in road right-of-way on US-31 N of Alanson. Received call from owner that trailer had been moved 10/12/2017. 10/30/2017 - trailer has been moved, but does not appear to be compliant. Site inspection needed. 11/28/2017 Site inspection conducted - two mobile homes in ROW. Sent follow-up letter. 12/18/2017 Received visit from owner of property. Owner will explore options for compliance. 1/12/2018 - follow-up inspection conducted. 1/17/2018 - sent final notice - no response to date. Received call from owner. Planning to move mobile homes in spring 2018. 5/14/2018 - application for mobile home park expansion received for PC review. No change in encroachments as of 5/25/2018.

6. Maple River - 9/11/2017 - Sent letter to 2526 Gregory Rd - accessory building without a main use - no SUP. House was to be started within 2 years, no house. Accessory building is not completed. 11/28/2017 sent letter requesting compliance. 12/20/2017 No response to date. 1/12/2018 - site not accessible. 5/9/2018 sent letter to owner. 5/24/2018 SUP applied for - will be on the August 2018 PC agenda.


8. Littlefield - 5407 Petoskey St — ZBA case discovery made that accessory building was built, had been required to be attached due to number of accessory buildings on residential parcel. 8/17/2017 - sent letter to owner advising of violation. Follow-up conducted 1/9/2018 - letter sent to owner. 1/18/2018 - owner contacted, staff - will plan to comply in 2018.

9. 1840 Harbor - Petoskey Rd - 4/3/2018 - received call from citizen questioning flags. 4/11/2018 - sent letter to owner and occupant (Sears) regarding sign and outdoor display regulations. 4/17/2018 - received call from property owner - working toward compliance. 4/30/2018 - sent follow-up letter - no changes to date.

10. 3098 Five Mile Creek Rd - 3/26/2018 - investigated complaint of small building being used as a permanent dwelling. 3/28/2018 sent letter to owner. Occupant visited office on 4/12/2018. Given options for compliance. Allowed 30 days to provide schedule of compliance. 5/7/2018 received note from occupant that he has moved. 5/8/2018 requested proof of change of address.

11. 4700 Oden Rd - 4/17/2018 - during ZBA case review of neighboring property, discovered encroachment from this subject property. Staff to investigate further. 5/21/2018 - letter sent to owner. Received call 5/24/2018 from owner who is meeting with association Memorial Day weekend. Will explore options.


14. 3209 N State Rd - 5/8/2018 - received complaint of sign in road right-of-way. Sent letter to property owner. Owner replied 5/21/2018 - will apply for SUP for Bed & Breakfast - sign will need to be moved out of the ROW.

For more information or to report a violation, contact the Department of Planning and Zoning. 231-348-1735.
There was some discussion about signage and the history in the County including the major changes in billboards and other things. Jones stated that they thought about signage in the County many years ago.

IV. Public Comments: Jim Kargol stated that there is an overwhelming glare from the law firm sign discussed in the first case.

V. Other Business:
- Discussion on case reviewed last month: Alexander stated that there was a request by Jones to look into the way that the case regarding the variance to the accessory building size standards was reviewed last month. Alexander stated that we did follow the ordinance in our review and decision but there is a question as to whether the right thing was done for the applicant. How important is it to be strict with the ordinance in cases such as this where the building can’t be seen? One thing that was discussed was asking the Planning Commission to review this ordinance section to see if there are other requirements that we can add to the ordinance in order to review these better or perhaps change the maximum size of the accessory buildings altogether. If there is a large piece of property or it can’t be seen maybe they could have larger buildings. Malott stated that the addition reviewed last month was not that excessive and would have balanced out the building for the applicant. It would not have been seen from the road. Jones stated that he feels it was denied because it would have set precedence. For the ZBA, each case is supposed to be dealt with on an individual basis and precedence setting down the road isn’t a concern. Conrad stated that she doesn’t feel it was the right thing either if he was going to use it for personal use and do what he said he should have been given the chance to do so. She stated that she’s normally one for strictly following the rules but not necessarily in this case. Liebler stated that he feels it is worth the Planning Commission looking into. Jones stated that most FF-2 zoned parcels are larger parcels and perhaps should be allowed larger buildings. Liebler stated that they could be proportional to lot size. The applicant last month seemed to own a great deal of acreage. Alexander added that he also has no electricity and they don’t perk so he can’t use them for a house. Conrad stated that she doesn’t want to see these sent to the Planning Commission because she feels that it overloads them. She is supportive of reviewing cases on an individual basis. Doernenburg explained that the suggestion is not that the Planning Commission review the cases, just that they consider changes to the ordinance. She explained that when the Planning Commission did review these cases there was a section in which they could override the normal requirements in cases in which no good purpose would be served with strict compliance to the ordinance standards. This could be an item to look into. Jones made a motion to request that the Planning Commission look into possible changes to the ordinance regarding accessory building size standards and review. Malott supported the motion.
Conrad added that she doesn’t want people to try to get around standards by turning buildings that aren’t agricultural into agricultural buildings. Doernenburg agreed that she would rather enforce based on face value of the ordinance rather than them trying to go through the back door with agricultural buildings. She noted that Little Traverse Township has no limits on accessory building sizes and West Traverse Township has a graduated system for maximum sizes. Alexander stated that he doesn’t feel that having a building is intrusive. Liebler noted that it is less intrusive than having equipment stored outside. There was some discussion about how to or if the motion could be called back to the table. It was unclear whether that could be done or not and this will be discussed with legal counsel. The roll-call vote on the motion to have the Planning Commission review the ordinance passed on the following vote: Yes: Liebler, Malott, Alexander, Jones. No: Conrad. Absent: Scheel.

- **Enforcement Report**: Distributed with some discussion on specific cases.

**VI. Adjournment:**
Alexander called the meeting adjourned at 7:22 PM.

**Minutes Certification:**

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<th>Alyce Conrad, Secretary</th>
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Section 26.33 Wineries, Microbreweries, Distilleries, and Hard Cider Operations

26.33 Wineries, Microbreweries, Distilleries, and Hard Cider Operations

**Intent**
It is the intent of these zoning provisions to:
- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Wineries, microbreweries, distilleries, and hard cider operations may be permitted in any Zoning District which permits commercial farms subject to the following:

A. Permitted Accessory Uses
Wineries, Microbreweries, Distilleries, and Hard Cider Operations may be permitted by the Planning Commission on properties actively used for agriculture. All required licenses and approvals shall be obtained by the appropriate state and federal agencies prior to operation of the winery, brewery, or distillery.

B. Site Size
The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth. A minimum of ten (10) acres of the parcel must be in active agricultural production or open space, of a fruit, grain, vegetable, or other principal ingredient of the beverage to be produced.

C. On-premise Consumption
Consumption of the alcoholic beverages on the site shall be limited to tasting room quantities. The facility shall not function as a bar as defined in this Ordinance. Supplemental food services may be provided.

D. Hours of Operation
The Wineries, Microbreweries, Distilleries, and Hard Cider Operations shall be limited to the hours of 10AM to 10PM.

E. Building Limitations
The floor area of retail sales area shall be no more than twenty-five (25) percent of the floor area devoted to the winery, but in no case shall it occupy more than two-thousand (2,000) sq. ft. of floor area.

F. Parking
Off-street parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance, except that 1) parking areas shall be setback a minimum of fifty (50) feet from all property lines, 2) adequate parking shall be provided for all uses on the property, and 3) parking areas shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening
The parking area shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.
I. **Lighting**
Outdoor lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. **Signs**
Accessory signs shall follow the Standards of Section 22.07 of this Ordinance.

Modifications to the standards listed in items B thru J above may be approved by the Planning Commission, if the intent of Article 8 FF-1 and FF-2 Farm and Forest is kept and the surrounding properties are protected from nuisances.