MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, December 6, 2007
7:00 p.m. -Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planning Commission can take action to approve the December 6, 2007 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the November 1, 2007 meeting Minutes.

V Public Hearing

None

VI New Business

<u>Morton Salt Company, 280 Sixth Street - Site Plan Review</u>

Morton Salt Company is requesting a Site Plan Review to relocate the existing 150 foot high boiler exhaust stack north of the present location and to construct an enclosure for a fly ash disposal system (Ash Silo Enclosure) and for emission control equipment (Fan Enclosure). A height variance was granted by the Zoning Board of Appeals at their meeting on November 27, 2007.

At this time the Planning Commission may take action to (approve/deny) the request from Morton Salt Company for an addition to their facility (relocate the existing 150 foot high boiler exhaust stack, construct an Ash Silo Enclosure and a Fan Enclosure) as shown on Site Plan Labeled Morton International, Inc. Manistee Boiler #6 Boiler MACT Compliance Project (Project #5025.11)

Election of Officers

According to the By-Laws of the City of Manistee Planning Commission require the annual election of Officers to be held at the December Meeting for the following year.

At this time the meeting will be turned over to Jon Rose who will ask for nominations.

Chair

The Planning Commission will select a Chair for 2008.

Vice-Chair

The Planning Commission will select a Vice Chair for 2008.

Secretary

The Planning Commission will select a Secretary for 2008.

Appointment of a Recording Secretary 2008

At this time the Planning Commission Secretary appointed for 2008 may appoint a Recording Secretary for 2008.

VII Old Business

J. Kevin & Barri T. Marion - Street Vacation Request

A public hearing was held on November 1, 2007 in response to the request from J. Kevin & Barri T. Marion to vacate the southernmost portion (Approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21. A motion to approve the request was tabled until the applicant could be present to answer questions from the Planning Commission.

At this time the Planning Commission will ask questions of the applicant and may take action on the Motion to approve.

Proposed Ordinance Amendments

The Planning Commission reviewed three proposed Ordinance Amendments at their Worksession on November 15, 2007. Changes were made and new drafts have been distributed to members.

At this time the Planning Commission will determine if any proposed Ordinance Amendments are ready for a Public Hearing to be scheduled for the January 3, 2008 Planning Commission Meeting..

VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

X Staff Reports

At this time the Chair will ask Staff for their report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XII Adjournment

City of Manistee

PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee DB

DATE: November 29, 2007

RE: December Planning Commission Meeting

Commissioners, attached is the December 6, 2007 Planning Commission Meeting Agenda. We have the following items on the agenda:

New Business:

- **Morton Salt Company, 280 Sixth Street - Site Plan Review** - Morton Salt Company is requesting a Site Plan Review to relocate the existing 150 foot high boiler exhaust stack north of the present location and to construct an enclosure for a fly ash disposal system (Ash Silo Enclosure) and for emission control equipment (Fan Enclosure). A height variance was granted by the Zoning Board of Appeals at their meeting on November 27, 2007.

- **Election of Officers** - According to the By-Laws of the City of Manistee Planning Commission their annual election of Officers is held at the December Meeting for the following year.

- **Appointment of a Recording Secretary 2008** - The Planning Commission Secretary may appoint a Recording Secretary for 2008.

Old Business:

- **J. Kevin & Barri T. Marion - Street Vacation Request** - A public hearing was held on November 1, 2007 in response to the request from J. Kevin & Barri T. Marion to vacate the southernmost portion (Approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21. A motion to approve the request was tabled until the applicant could be present to answer questions from the Planning Commission.

- **Proposed Ordinance Amendments** - We will discuss the new drafts that were prepared to the three proposed Ordinance Amendments that include comments from the November Worksession.

:djb

City of Manistee

PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose, Community Development Director

DATE: November 29, 2007

RE: Morton Salt Company

Commissioners, a request is being forwarded to you from Morton Salt Company for Site Plan Review. Background information on the request is as follows:

- In October 2007 it came to our attention that a building(s) had been constructed without a permit at the Morton Salt Facility.
- Mortons was notified and discovered that during a change in personnel at the facility the permit process for the buildings that were constructed was not followed through.
- The current Engineer at Mortons made an appointment and reviewed the plans with staff.
- Upon review it was discovered that two of the structures exceed the 50 foot height limitation in the G-I General Industrial District.
- A request for a variance to the height limitation was submitted to the Zoning Board of Appeals. The Zoning Board of Appeals approved the request for a variance at their meeting of November 27, 2007.

While we do not endorse the construction of buildings without permits, the explanation given by the applicant appears to be genuine.

The construction of this facility was to install an emissions control system for their coal fired boiler to assure compliance with the Federal EPA Guidelines for Industrial Boiler regulations.

Staff review of the request shows that with the variance from the Zoning Board of Appeals for height the site plan meets the requirements of the Ordinance. The Fire Chief's letter to the Zoning Board of Appeals shows no concern from the Fire Department. A memo from Abonmarche shows no concerns from the City Engineer's office. Staff recommends approval of the request.

JRR:djb

Staff/Site Plan Review for:	**Morton Salt Company, 180 Sixth Street, Manistee, MI 49660**
Address/Parcel Code#:	**180 Sixth Street/51-51-712-150-01**
Zoning District:	**GI - General Industrial**
Proposed Use:	Industrial Processing & Manufacturing

	Requirements	Proposed	Compliance
Minimum Lot Area:	12,000 sq. ft.	42.19 Acres	X yes ☐ no
Minimum Lot Width:	120 ft	> 120 ft	X yes ☐ no
Max. Building Height:	4 stories, or 50 ft	VARIANCE FROM ZBA 11/27/07	X yes ☐ no
Maximum Lot Coverage:	70%	32%	X yes ☐ no
Front Yard Set Back:	45 ft	Existing	X yes ☐ no
Side Yard Set Back:	10 ft (each side)	>10 ft	X yes ☐ no
Rear Yard Set Back:	10 ft	N/A	
Waterfront Set Back:	50 ft	50 ft	X yes ☐ no
Parking Requirements:	No Change		
Signage:	No Change		

Landscaping Requirements - **subject to Section 531:**
Outdoor Lighting Requirements - **subject to Section 525:**

NOTES: A variance was granted by the Zoning Board of Appeals on November 17, 1007 for a height variance to relocate the existing 150 foot high boiler exhaust stack north of the present location by 173 feet. And a height variance to construct an enclosure for a fly ash disposal system (Ash Silo Enclosure) and for emission control equipment (Fan Enclosure). The height of this enclosure is 64 feet and the equipment height is 75 feet.

Zoning Reviewed and Approved by: _____

Optional Reviews

Fire Department Reviewed/Approved by: Letter from Sid Scrimger to ZBA - No Issues
Engineer Reviewed/Approved by: memo from Jeff Mikula

ABONMARCHE
Confidence By Design

ENGINEERS
ARCHITECTS
PLANNERS
SURVEYORS

361 First Street
Manistee, MI 49660
T 231.723.1198
F 231.723.1194
www.abonmarche.com

BENTON HARBOR, MI
SOUTH HAVEN, MI
SOUTH BEND, IN
FORT WAYNE, IN

MEMORANDUM

DATE: October 17, 2007

TO: Mr. Jon Rose

FROM: Jeff Mikula

RE: Compliance Project
Morton Salt Company

Abonmarche has reviewed the submittal for the above mentioned project. Our review of the plans, indicate that the new buildings are well within the interior of the plant and have no associated additional parking, roads or driveways.

We do not find any concerns with the plans as submitted.

MANISTEE CITY ZONING BOARD OF APPEALS
City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES
November 27, 2007

A meeting of the Manistee City Zoning Board of Appeals was held on November 27, 2007 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher

ROLL CALL:

Members Present: Ray Fortier, Mark Hoffman, John Perschbacher, Alternate/ Nathaniel Nieder, and Alternate/Craig Schindlbeck

Members Absent: Bill Kracht (excused) and Marlene McBride (excused)

Others Present: Michael Hagen (Morton Salt), Mark Lindgren (Morton Salt), Ruth Wolock (Lakeside Restaurant), Marjorie Conklin (Lakeside Restaurant), Jon Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Craig Schindlbeck that the Agenda be approved as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman that the Minutes of the October 25,2007 Zoning Board or Appeals Meeting be approved as written

With a voice vote this MOTION PASSED UNANIMOUSLY

Draft

PUBLIC HEARING:

Case #ZBA-2007-04/Morton Salt Company - 180 Sixth Street

Morton Salt Company is requesting a height variance to relocate the existing 150 foot high boiler exhaust stack north of the present location by 173 feet. AND A height variance to construct an enclosure for a fly ash disposal system (Ash Silo Enclosure) and for emission control equipment (Fan Enclosure). The height of this enclosure is 64 feet and the equipment height is 75 feet.

The Zoning Ordinance Height Limit in the G-I General Industrial District is 50 feet.

Chair Perschbacher opened the Public Hearing.

Michael Hagen, Morton Salt - Mr. Hagen explained the new EPA requirements and the September 2007 deadline for installation of emissions control system for their coal fired boiler to comply with the Federal EPA Guidelines.

Mark Lindgren, Plant Manager - Mr. Lindgren explained that the EPA established three different guidelines and deadlines. The guidelines for coal fired boilers required that the equipment be in place by September 2007. Since that time the guidelines have been challenged in court and have been repealed. It will be a matter of time until the guidelines are reinstated. Federal Air Permits are reviewed every five years. They are 100% current with the permit standards.

Chair Perschbacher asked if there was any public comments and correspondence received in response to the request.

A letter from Fire Chief Scrimger was read into the record (attached)

There being no further public comments and the hearing was closed at 5:40 p.m.

Case #ZBA-2207-05/Lakeside Restaurant - 200 Arthur Street

DECLARATION OF CONFLICT OF INTEREST -Craig Schindlbeck, alternate member of the Zoning Board of Appeals, declared a conflict of interest (under section 4.13B of the By-Laws). Mr. Schindlbeck removed himself from the Zoning Board of Appeals during the Public Hearing and Action relating to the request.

Lakeside Restaurant is requesting a Variance for the installation of a sign on the porch above the restaurant office not to extend beyond the front of the building facade, nor to extend above the roof of the main building. Sign includes blinking lights.

Chair Perschbacher opened the Public Hearing.

Ruth Wolock, Lakeside Restaurant - Ms. Wolock is the owner of the Lakeside Restaurant that is located in the same building as the Roadway Inn. She has been in business since July 2007 and has figures that show that when their temporary sign was in place they had an increase in business. They had applied for and received the maximum number of temporary signs permitted in a year (three permits for 14 days each). She has put over $200,000 into this business and when the temporary signs were in place there was a distinct increase in their business. Without the temporary sign they have had a decrease in business and have gone from 24 employees to 6. They need the proposed sign and it would be a great asset to their business. Traffic goes by so fast and with the dangerous curve in the road they have been unable to attract street traffic.

Marjorie Conklin, waitress at Lakeside Restaurant - Ms. Conklin said that she has been a waitress since they opened and currently is laid off.

Chair Perschbacher reviewed the list of items from the staff report.

- Lakeside Restaurant is located in the Roadway Inn at 200 Arthur Street. The property currently has three freestanding signs (pole, ground mount signs) on the property. In addition to the three freestanding signs the structure is allowed approximately 735 square feet of Wall, Window or Marquee Signs.

- The current ordinance only allows one freestanding sign on a property. The two remaining freestanding signs are legal non-conforming signs.

- The applicant has applied for and received three temporary sign permits for a portable sign. The ordinance limits temporary sign permits to three per parcel in a calendar year.

Ms. Wolock responded- The pole signs are used by the Roadway Inn and the City Zoning Ordinance will not allow another pole sign or to add to the existing signs. Without attracting street traffic they are losing business; people do not realize the restaurant is there. If they could keep the temporary sign permanently that would be great. The motel has new owners who are more cooperative than the last ones.

Mr. Rose clarified that the property has three pole signs. The southern most sign has a Special Use Permit, the sign to the north is a legal nonconforming sign and cannot be altered except for changing the sign face. The sign nearest the restaurant is already at the 80 square foot limitation of the ordinance and additional signage cannot be added to it. It is up to the building owner to allocate signage for their tenants, not the Zoning Board of Appeals.

- The request to place a sign on the porch above the restaurant office (as shown on the drawings) would make the sign a "projecting sign". Projecting signs are not allowed in the C-1 Zoning District when they have frontage on US 31.

- Projecting Signs are limited to 16 square feet in the City of Manistee Zoning Ordinance.

Ms. Wolock responded- she does not believe that this sign is a projecting sign. If the sign were flat against the building no one would be able to see it.

Mr. Rose said that review of the request could make the sign a projecting or roof sign. Mr. Rose spoke to the City's Planning Consultant regarding the request. Since the sign projects more than 12 inches from the building it meets the definition of a projecting sign.

- The request includes "Blinking Lights" for the proposed sign. Prohibited Signs - Section 2104.J of the ordinance reads: "Electronic Message Boards and other signs that include flashing, scrolling, blinking or moving lights or parts, and animated signs located such that they may distract drivers."

Ms. Wolock responded- The temporary sign they used had blinking lights and an arrow on it. They wanted to put a new face on the sign and place it on the roof. She can eliminate the blinking light if needed. This sign would be visible 5 to 6 blocks away.

- Under Special Conditions - Justification (a.) the applicant notes that the "*structure of the building and location on Highway 31 make it impossible to attract business per attracting street traffic safely, sign allowance from hotel are restricted and limited.*"

- The building is allowed approximately 735 square feet of signage and there is ample room for installing signage that complies with the ordinance on the building.

- If the building owner is limiting the amount of signage that the restaurant is allowed, that is an issue between the applicant and the building owner, not the Zoning Board of Appeals.

- The applicant wants to attract drivers attention on a curved portion of the road. The installation of a sign with blinking lights, while possibly catching the eyes of a motorist, would be a distraction to the drivers and could result in an accident. This concern was the reason that blinking lights are prohibited under the ordinance.

- The City of Manistee wants to see business succeed. But allowing the installation of a sign that does not meet the requirements of the Zoning Ordinance and could create a safety hazard is not in the best interest of the community.

Chair Perschbacher asked if there were any public comments

None

There being no further public comments and the hearing was closed at 6:10 p.m.

BUSINESS SESSION:

ACTION ON PENDING CASE:

Case #ZBA-2007-04/Morton Salt Company - 180 Sixth Street

A Public Hearing was held earlier in response to a request from Case #ZBA-2007-04/Morton Salt Company - 180 Sixth Street for a height variance to relocate the existing 150 foot high boiler exhaust stack north of the present location by 173 feet. AND A height variance to construct an enclosure for a fly ash disposal system (Ash Silo Enclosure) and for emission control equipment (Fan Enclosure). The height of this enclosure is 64 feet and the equipment height is 75 feet.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
   5 - Yes Fortier, Hoffman, Schindlbeck, Neider, Perschbacher
   0 - No None
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
   5 - Yes Hoffman, Schindlbeck, Neider, Fortier, Perschbacher
   0 - No None
3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
   5 - Yes Schindlbeck, Neider, Fortier, Hoffman, Perschbacher
   0 - No None
4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
   5 - Yes Neider, Hoffman, Schindlbeck, Fortier, Perschbacher
   0 - No None
5. The requested variance shall relate only to property that is under control of the applicant.
   5 - Yes Fortier, Hoffman, Schindlbeck, Neider, Perschbacher
   0 - No None

6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
   4 - Yes Neider, Fortier, Hoffman, Perschbacher
   1 - No Schindlbeck

7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
   5 - Yes Neider, Hoffman, Schindlbeck, Fortier, Perschbacher
   0 - No None

8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
   5 - Yes Fortier, Hoffman, Neider, Schindlbeck, Perschbacher
   0 - No None

Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:

1. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
   5 - Yes Fortier, Hoffman, Neider, Schindlbeck, Perschbacher
   0 - No None

MOTION by Ray Fortier, seconded by Mark Hoffman that the request from Morton Salt Company for a height variance to relocate the existing 150 foot high boiler exhaust stack north of the present location by 173 feet. AND A height variance to construct an enclosure for a fly ash disposal system (Ash Silo Enclosure) and for emission control equipment (Fan Enclosure). The height of this enclosure is 64 feet and the equipment height is 75 feet.

With a roll call vote this motion passed 5 to 0.

Yes: Fortier, Hoffman, Neider, Schindlbeck, Perschbacher
No: None

VARIANCE GRANTED

Case#ZBA-2207-05/Lakeside Restaurant - 200 Arthur Street

A Public Hearing was held earlier in response to a request from Case#ZBA-2207-05/Lakeside Restaurant - 200 Arthur Street for a Variance for the installation of a sign on the porch above the restaurant office not to extend beyond the front of the building facade, nor to extend above the roof of the main building. Sign includes blinking lights.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507 C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
   0 - Yes None
   4 - No Fortier, Hoffman, Neider, Perschbacher
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
   4 - Yes Hoffman, Neider, Fortier, Perschbacher
   0 - No None
3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
   3 - Yes Hoffman, Neider, Perschbacher
   1 - No Fortier
4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
   0 - Yes None
   4 - No Hoffman, Fortier, Neider, Perschbacher
5. The requested variance shall relate only to property that is under control of the applicant.
   4 - Yes Fortier, Neider, Hoffman, Perschbacher
   0 - No None
6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
   3 - Yes Fortier, Hoffman, Perschbacher
   1 - No Neider

7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
   0 - Yes None
   4 - No Hoffman, Fortier, Neider, Perschbacher
8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
   1 - Yes Neider
   3 - No Fortier, Hoffman, Perschbacher

The Zoning Board of Appeals looked at photographs that were submitted in response to the request and made some suggestions to Ms. Wolock for placement of signage that would comply with the requirements of the ordinance.

MOTION by Ray Fortier, seconded by Nathaniel Neider that the Zoning Board of Appeals denies the request from Lakeside Restaurant for a Variance to install a sign on the porch above the restaurant office not to extend beyond the front of the building facade, nor to extend above the roof of the main building. Sign includes blinking lights.

With a roll call vote this motion passed 4 to 0 with Member Schindlbeck having declared a conflict of interest and abstaining in voting.

Yes: Neider, Fortier, Hoffman, Perschbacher
No: None

REQUEST DENIED

OLD BUSINESS

None

OTHER BUSINESS OF THE APPEALS BOARD

Ms. Blakeslee spoke of upcoming training that is being scheduled early in 2008 for the Zoning Board of Appeals. Mr. Neider was asked if he would be interested in taking the Citizen Planner Training on line. Mr. Neider said he would be. Information will be forwarded to him.

DRAFT

PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA:

Ms. Wolock thanked the Zoning Board of Appeals for giving her suggestions for signage.

ADJOURNMENT:

There being no further business meeting motion by Mark Hoffman, seconded by Ray Fortier that the meeting be adjourned.

Meeting adjourned at 7:00 p.m.

Respectfully Submitted

Denise J. Blakeslee, Recording Secretary

Draft

MEMO TO: Denise Blakeslee

FROM: Sid Scrimger, Fire Chief

DATE: November 7, 2007

SUBJECT: Morton Salt Variance

I have reviewed the construction and site plans for the Morton Salt boiler compliance project. In addition, I have visited the site. I do not find any fire department issues or problems with this project.

Land Use Permit Application

Detailed Site Plan - Fee $20.00

One copy of the completed application form for site plan review which shall contain at a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):

1. Name, address and signature of applicant and property owner:
   Name: Morton Salt Company
   Address: 180 6th Street
   Daytime Phone Number: 231-723-2561

2. Legal description, property parcel number and street address of the subject parcel of property:
   Legal description: ~~See~~ See attached
   Address of Project: 180 6th Street Parcel Code # 51-51- 712 - 150 - 01

3. Area of the subject parcel of property stated in acres, or if less than one (1) acre, in square feet.
   42.19 Acres

4. Present zoning classification on parcel and on adjacent parcels: General Industrial

5. Present and proposed land use: Industrial / Industrial Processing & manufacturing

6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume.
   No effect

7. A description of the proposed development and the land use proposed.
   Morton MACT compliance Project

Finished Height of Project: 150ft And 75ft

By signing the application the applicant is authorizing City Staff permission to make site inspections as necessary. The undersigned affirms that the information included in this application is correct. Further if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature: Michael J Hyer Date: 10/26/07

OFFICE USE ONLY

Zoning District:	G-I	Set Back Requirements:	Height		Front
Date of Application:		Water Front	Rear		Side
Fee/Receipt #		Notes:			
Approval:			Date:		

Site Plan Information required in Application:

Project Name: Morton Compliance Project

A Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include twelve (12) copies of all required information, one 11x 17 size copy of request, and and twenty-five (25) copies of any documents rendered in color. It shall be prepared by an Engineer, Architect, Landscape Architect or Planner licensed to work in Michigan and shall include and illustrate at a minimum the following information:

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

2. The scale of the drawing and north arrow.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

3. A vicinity map illustrating the property in relation to the surrounding street system.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

7. Setback lines and their dimensions.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
   ☒ Included
   ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

13.57 Acre covered 32%
42.19 Acre Total

Project Name: Morton Compliance Project

9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
   - ☐ Included
   - ☒ Waived by R [Planning Commission reserves the right to require the information at a later date]

10. Project phasing, if applicable.
   - ☐ Included
   - ☒ Waived by R [Planning Commission reserves the right to require the information at a later date]

11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
   - ☒ Included
   - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
   - ☒ Included
   - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

13. Curb-cuts and driveways on adjacent properties.
   - ☐ Included
   - ☒ Waived by R [Planning Commission reserves the right to require the information at a later date]

14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
   - ☒ Included
   - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
   - ☐ Included
   - ☒ Waived by R [Planning Commission reserves the right to require the information at a later date]

16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
   - ☐ Included
   - ☒ Waived by R [Planning Commission reserves the right to require the information at a later date]

17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
   - ☒ Included Attach permit
   - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

Project Name: Morton Compliance Project

18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with **Article 21.**
    - ☐ Included
    - ☑ Waived by R [Planning Commission reserves the right to require the information at a later date]

19. A lighting plan in conformance with **Section 525.**
    - ☒ Included
    - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

20. A written and illustrated landscape plan prepared in accord with **Section 531** of this Zoning Ordinance.
    - ☐ Included
    - ☑ Waived by R [Planning Commission reserves the right to require the information at a later date]

21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
    - ☐ Included
    - ☑ Waived by R [Planning Commission reserves the right to require the information at a later date]

22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
    - ☒ Included
    - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
    - ☒ Included
    - ☐ Waived by _____ [Planning Commission reserves the right to require the information at a later date]

24. Special Groundwater Protection shall be subject to **Section 2203.D.24**
    - ☐ Included
    - ☑ Waived by R [Planning Commission reserves the right to require the information at a later date]

The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

For further information contact:

Planning and Zoning
City of Manistee
70 Maple Street, P.O. Box 358
Manistee, MI 49660

(231) 398-2805 (231) 723-1546 - FAX

(Printed March 2006)

Manistee County

SOIL EROSION AND SEDIMENTATION CONTROL
(231) 723-6041
Fax (231) 723-1718

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

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

Permit No.: 06-465
Issued: 12-01-06
Expires: 12-01-07
Extended:

Permittee: Morton Salt
Address: 180 6th Street
Manistee, MI 49660

On-Site Responsible Person: Name: Steve Aman
Company: Century A & E Phone Number: (616) 456-5227

Permitted Activity:
Construction of three foundation pads.

Property Tax ID Number: 51-51-850-001-00

Project Location: Town 21N; Range 17W; Section 12
City or Township: Filer Township
Address: 180 Sixth Street
Manistee, MI 49660

Permit Conditions:

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the **attached** general and specific conditions.

2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.

3. Permittee shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

Murray D Stoll - Dec. 01, 2006 (231) 723-6041
Permitting Agent

THIS PERMIT MUST BE POSTED AT THE PROJECT SITE

NOTIFY THIS OFFICE (231-723-6041) WHEN PROJECT BEGINS AND IS COMPLETED.

(Over)

New CC

Parcel Number 515171215001

Close This Window

Manistee County Parcel Information for 2007 Assessment Year
Manistee (City of), Manistee County

Owner Name(s): NEW MORTON INTERNATIONAL C/O DELOITTE TAX LLP
Owner Address: PROPERTY TAX DEPT RO
1700 MARKET ST
PHILADELPHIA PA 19103-3984

Parcel Address: 180 SIXTH ST

Property Information

Property Class: 301 - INDUSTRIAL IMPROVED
School District: 30 - MANISTEE
Current Homestead %: 0%
Current Qualified Ag. Exemption %: 0%

Current Year Assessed Value: $1,721,600
Current Year SEV: $1,721,600
Current Year Taxable Value: $1,721,600

Previous Year Assessed Value: $1,736,100
Previous Year Taxable Value: $1,736,100

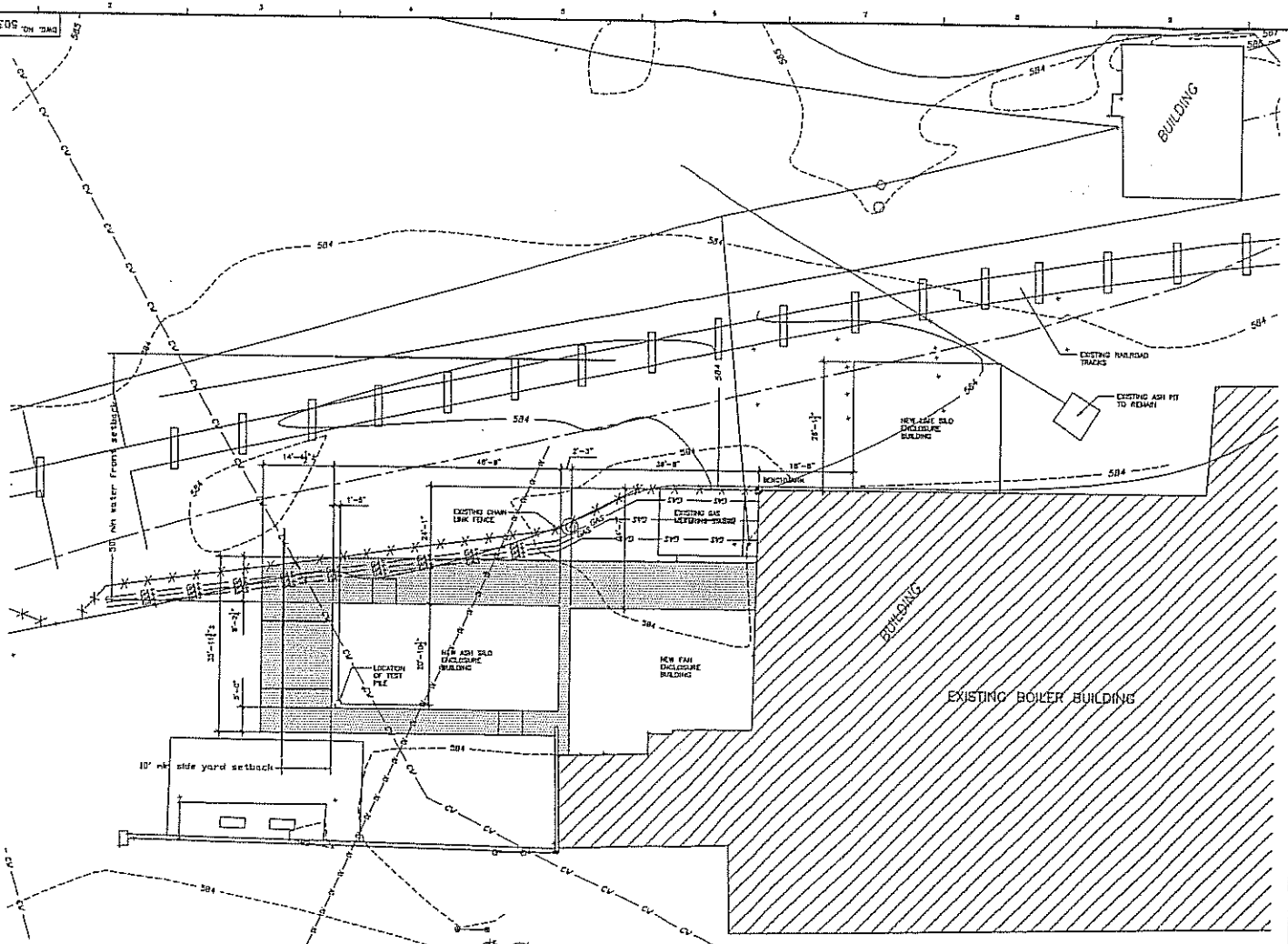
Tax Roll Description

PT GOVT LOTS 2, 3 + 4 COM AT INT OF N LI GOVT LOT 2 + MANISTEE LK, W ALG N LI GOVT LOT 2 TO A PT 1320 FT E OF NW COR SD LOT, S 40 DEG 35 MIN E 194 FT, S 33 DEG 45 MIN E 107.75 FT TO PT 14 RDS S OF N LI GOVT LOT 2, W TO PT 185 FT E OF C/L SIBBEN ST, S 66 FT, W 20 FT, S 66 FT TO N LI KRETCHMAR PLACE PLAT, E TO NE COR SD PLAT, S ALG E LI OF PLAT TO SE COR, S 57 DEG 33 MIN W 28 FT TO S LI LOT 1 BLK 2 SD PLAT, W ON S LI EXT TO C/L RAMSDELL ST, S TO S LI 5TH ST, E TO NE COR OF LOT 7 BLK 1 FREELAND ADD, S TO C/L 6TH ST, E ALG C/L TO C/L ENGELMANN ST, S ALG C/L TO PT 33 FT W OF NW COR LOT 10 BLK 7 SD PLAT, E TO NE COR SD LOT, S TO C/L 7TH ST, E ALG C/L TO C/L HIGH ST, S ALG C/L TO PT 33 FT E OF SE COR LOT 3 BLK 9, E 180 FT, S TO C/L 8TH ST, E ALG C/L TO C/L OF VINE ST, S ALG C/L 204.83 FT, E 233 FT, SLY TO PT 100 FT N OF N LI 9TH ST & 210 FT E OF E LI VINE ST, E TO MANISTE LK, NLY ALG LK TO POB. KRETSCHMAR PLACE LOTS 1,3,4 & 5 BLK 1 LOTS 1-5 BLK 2, FREELAND LOTS 7 THRU 12 BLK 1, W 1/2 LOT 1, & 2,3,4 & 7 BLK 6, E 1/2 LOT 12 BLK 7 EXC COM 1329 FT E OF NW COR SD GOVT LOT 2 FOR POB, S 40 DEG 35 MIN E 194 FT, S 33 DEG 25 MIN E 607 7/12 FT, E 345.88 FT, N 27 DEG 21 MIN W 686 3/4 FT, S 86 DEG 9 MIN W 278 1/6 FT, N 68 DEG 32 MIN W 158 2/3 FT, W 71 FT TO POB. ALSO EXC COM ON N LI SD LOT 1400 FT E OF NW COR THEREOF FOR POB, S 68 DEG 32 MIN E 158 2/3 FT N 86 DEG 9 MIN E TO MANISTEE LK, TH NWLY ALG LK TO N LI SD GOVT LOT, TH W TO POB. ALSO EXC COM S 1/4 COR SD SEC, TH E 1737.80 FT TO C/L VINE ST, TH N 1385.64 FT, TH E 269.54 FT TO POB, TH N 14 DEG 28 MIN 24 SEC E 272.55 FT, TH N 25 DEG 12 MIN 51 SEC W 20 FT, TH N 67 DEG 32 MIN 30 SEC W 65.66 FT, TH N 196.04 FT M/L TO MANISTEE LK, TH ELY 240 FT M/L ALG WATERS EDGE, TH S 441.97 FT M/L TO WATERS EDGE, TH SLY 210 FT M/L ALG WATERS EDGE, TH N 70 DEG 19 MIN 54 SEC W 140.61 FT M/L TO POB. ALSO EXC COM AT S 1/4 COR OF SD SEC, TH E 1737.8 FT TO C/L OF VINE ST, TH N 1385.64 FT, TH E 269.54 FT, TH S 70 DEG 19 MIN 54 SEC E 140.61 FT M/L TO WATERS EDGE OF MANISTEE LAKE, TH NLY ALG LK 210 FT M/L TO POB, TH N 441.97 FT M/L

TO WATERS EDGE, TH SLY ALG WATERS EDGE TO POB. 42.19 A*M/L SEC 12 T21N R17W IFT CERT. #76-020 IS EFFECTIVE SEE #51-51-850-001-00 _____P.ADDR: 180 SIXTH ST.

Powered by Community Center™ software from the Land Information Access Association

DWG. NO. 503511-6XS-C2020



NEW SITE PLAN

SCALE: 1" = 10'-0"

PLANT NORTH — TRUE NORTH

13.57 Acre covered by buildings & impervious surfaces, 32%
42.19 Acre Total
New buildings are greater than 120 ft from Manistee Lake
New buildings are greater than 70 ft from side of lot
Drainage will be to existing site storm sewers not part of city sewer system

NOTES:

1. BENCHMARK POINT OF REFERENCE FOR NEW BUILDING LOCATIONS AND TEST PILE IS THE NORTH EAST CORNER OF THE EXISTING BOILER BUILDING, FACE OF BRICK AT GRADE LEVEL.
2. ALL DIMENSIONS LOCATING NEW STRUCTURES ARE TO FACE OF BUILDING AT GRADE.
3. A CERTIFIED SITE SURVEY HAS BEEN PREPARED FOR THE OWNER BY JENSEN LAND SURVEYS, DATED JULY 20 2006. THIS SURVEY INFORMATION HAS BEEN USED AS A BASIS FOR THE SITE AND UTILITY DESIGN. C&B ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SITE SURVEY INFORMATION. UNCHARTED UTILITIES MAY EXIST AND ACTUAL LOCATIONS AND CONFIGURATION OF THE UTILITIES AND SITE FEATURES MAY VARY FROM INFORMATION SHOWN ON DRAWINGS.

72 HOURS BEFORE YOU DIG CALL MISS DIG 800-482-7171

LEGEND

- UTILITY POLE
- LIGHT POLE
- COOLING WATER
- CHAIN LINK FENCE
- GAS LINE
- SANITARY
- FIRE PROTECTION
- CB — CATCH BASIN
- MH — MANHOLE
- RAILROAD TRACK
- EXISTING STRUCTURE
- NEW STRUCTURE
- NEW CONCRETE PAVING

MANISTEE, MI.

MANISTEE2.gif

SITE VICINITY MAP
SCALE: NONE

MORTON INTERNATIONAL, INC.
180 6th STREET
MANISTEE, MI.

MANISTEE1.bmp

SITE LOCATION MAP
SCALE: NONE

REV	DATE	DESCRIPTION	DWN	DSGN	CHK	APPV
1	15 FEB 07	ISSUED FOR CONSTRUCTION	CJE	JAS	CJM	DSC
0	14DEC 06	CONSTRUCTION/PERMIT DRAFT	CJE	JAS	CJM	DSC

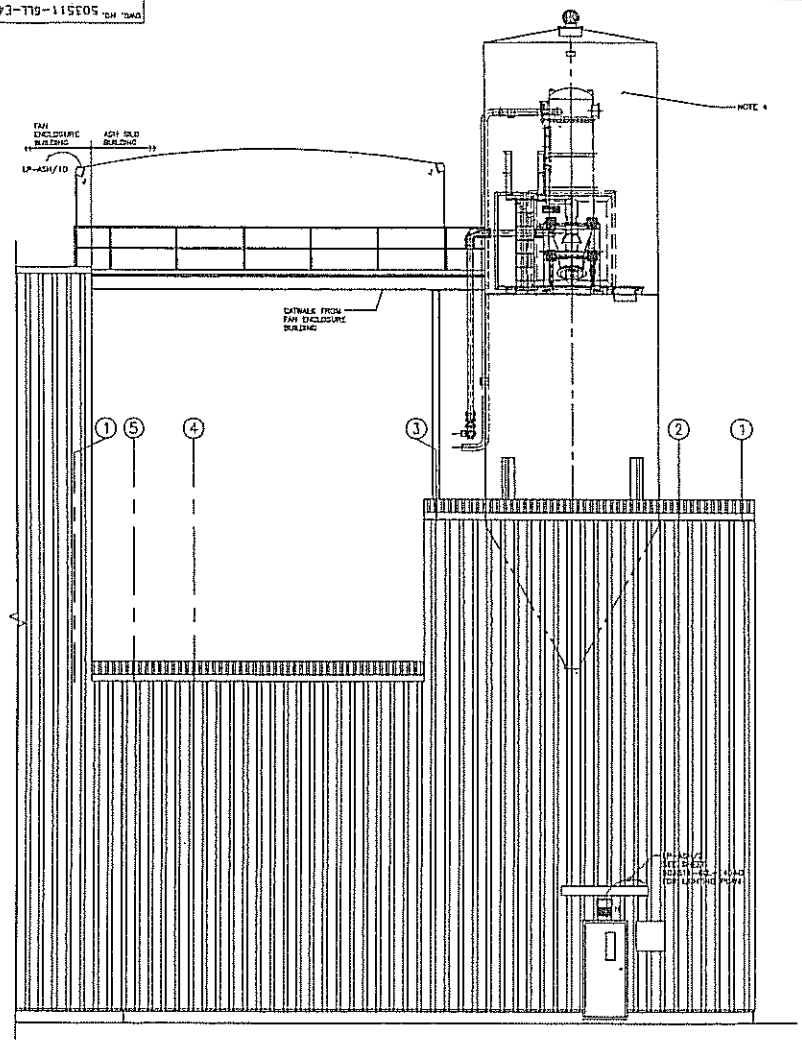
CUMMINS & BARNARD, INC.
CONSULTING ENGINEERS SINCE 1933
5405 DATA COURT
ANN ARBOR, MICHIGAN 48108
(734) 761-8130 Fax (734) 761-9681
www.Cummins-Barnard.com

MORTON INTERNATIONAL, INC.
MANISTEE BOILER #6
BOILER MACT COMPLIANCE PROJECT

CIVIL
NEW SITE PLAN

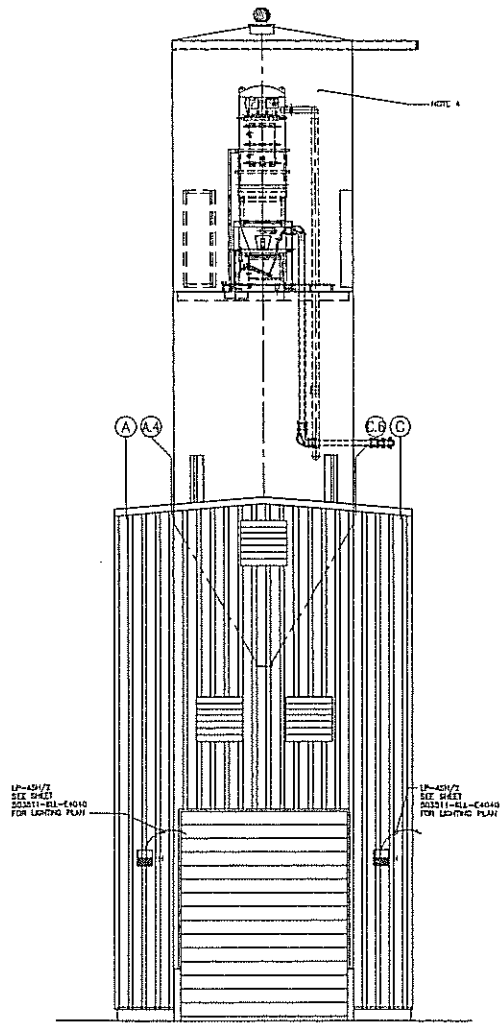
SCALE: 1"=10'-0" | PROJECT NO. 5035.11

DWG. NO. 503511-6XS-C2020 | REV. 1



B A3003 EAST ELEVATION

SCALE: 1/4" = 1'-0"



A A3003 NORTH ELEVATION

SCALE: 1/4" = 1'-0"

GENERAL NOTES:

1. FOR LIGHTING FIXTURE SCHEDULE, REFER TO DRAWING 503511-6LL-E4010.
2. UPPER PLATFORM TENON MOUNT MINI-FLOODS SHALL BE MOUNTED 8'-0" ABOVE ROOF TOP.
3. CONTRACTOR SHALL INSTALL SWITCHING AND CONDUIT FOR FLOOD LIGHTING AS REQUIRED.
4. FOR ASH SILO INTERNAL LIGHTING, SEE PLAN ON SHT CLL-E4041.

REV	DATE	DESCRIPTION	DWN	DSGN	CHK	APV
0	27 APR 07	ISSUED FOR CONSTRUCTION	MTL	ES	AJC	CSC

CUMMINS & BARNARD, INC.
CONSULTING ENGINEERS SINCE 1892
5405 DATA COURT
ANN ARBOR, MICHIGAN 48105
(734) 761-8130 Fax (734) 761-9881
www.Cummins-Barnard.com

MORTON INTERNATIONAL, INC.
MANISTEE BOILER #6
BOILER MACT COMPLIANCE PROJECT

ASH SILO ENCLOSURE
ELEVATION DETAIL

SCALE: 1/4"=1'-0" | PROJECT NO. 5035.11

DWG. NO. 503511-6LL-E4043 | REV. 0

City of Manistee

PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose
Community Development Director

DATE: November 14, 2007

RE: Marion Street Vacation Request

Commissioners, the attached letter was mailed to J. Kevin & Barri T. Marion requesting that they attend the December 6, 2007 Planning Commission Meeting to answer questions of the Commission.

A motion has been made as follows:

> *MOTION by Ben Bifoss, seconded by Linda Albee that the Planning Commission make a recommendation to City Council to approve the request from J. Kevin & Barri T. Marion to vacate the southernmost portion (Approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21 conditioned upon the combination of Lots 4, 5, 8 and 9 into one parcel.*

This item has been placed under "Old Business" on the agenda.

JRR:djb

City of Manistee

P. O. Box 358 • Manistee, Michigan 49660-0358 • www.ci.manistee.mi.us

CITY HALL
70 Maple Street

CITY MANAGER
231.398.2801

CITY ASSESSOR
231.398.2802

BUILDING INSPECTOR
231.398.2806

PLANNING, ZONING & COMMUNITY DEV.
231.398.2805

CITY CLERK
231.398.2803

CITY TREASURER
231.398.2804

WATER BILLING
231.723.2559

ADMINISTRATION
FAX 231.723.1546

CLERK/TREASURER
FAX 231.723.5410

POLICE DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.2012

FIRE DEPARTMENT
281 First Street
231.723.1549
FAX 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803

PARKS DEPARTMENT
231.723.4051

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553

November 5, 2007

J. Kevin & Barri T. Marion
800 Old Elm Road
Highland Park, IL 60035

RE: Street Vacation Request

Dear Mr. & Mrs. Marion:

Your request to vacate the southern portion of Sweetnam's Drive was tabled by the City of Manistee Planning Commission until you or your agent is present at a meeting to answer some questions the Commission has. A copy of the Draft meeting minutes are enclosed for your files.

This item has been placed on the December 6, 2007 Planning Commission Agenda under Old Business. A copy of the Agenda will be forwarded to before the meeting. If you or a representative are unable to attend the meeting please notify me at 231.398.2805.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb

Enclosures

City of Manistee

PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose
Community Development Director

DATE: October 9, 2007

RE: J. Kevin & Barri T. Marion - Street Vacation Request

Commissioners, attached is a request from J. Kevin & Barri T. Marion to vacate the Southernmost portion (approximately 153.27') of Sweetnam Drive adjoining parcel 51-51-373-703-09 and 51-51-373-704-21.

Staff review of the request shows no conflicts with the Zoning Ordinance.

JRR:djb

J. KEVIN AND BARRI T. MARION
800 Old Elm Road
Highland Park, IL 60035

September 5, 2007

Planning and Zoning Department
City of Manistee
P.O. Box 358, 70 Maple Street
Manistee, MI 49660

RE: REQUEST FOR STREET VACATION

PARCELS INVOLVED IN VACATION: Parcel No. 515137370421; Parcel No. 515137370309

Per enclosed Certificate of Survey, we request that Platted Sweetnam Drive be vacated south from a line drawn between the north boundary of Lot 8, Sweetnams Lake Bluff connecting to the north line of Lot 5, Sweetnams Lake Bluff to a line drawn between the south boundary of Lot 9 Sweetnams Lake Bluff and the south boundary of Lot 5, Sweetnams Lake Bluff.

Enclosed is our check in the amount of $250.00 as payment of the fee for a public right-of-way vacation.

Any questions regarding this request should be directed to our local agent, Suzanne C. Stevens, Associate Broker, HARBOUR REAL ESTATE, 259 River Street, Manistee, MI 49660. Suzanne can be reached by telephone at 231-723-6534 ext. 3137 or by e-mail at sustevens@manistee.com.

Thank you for your consideration of this request.

Best regards,

J. Kevin Marion

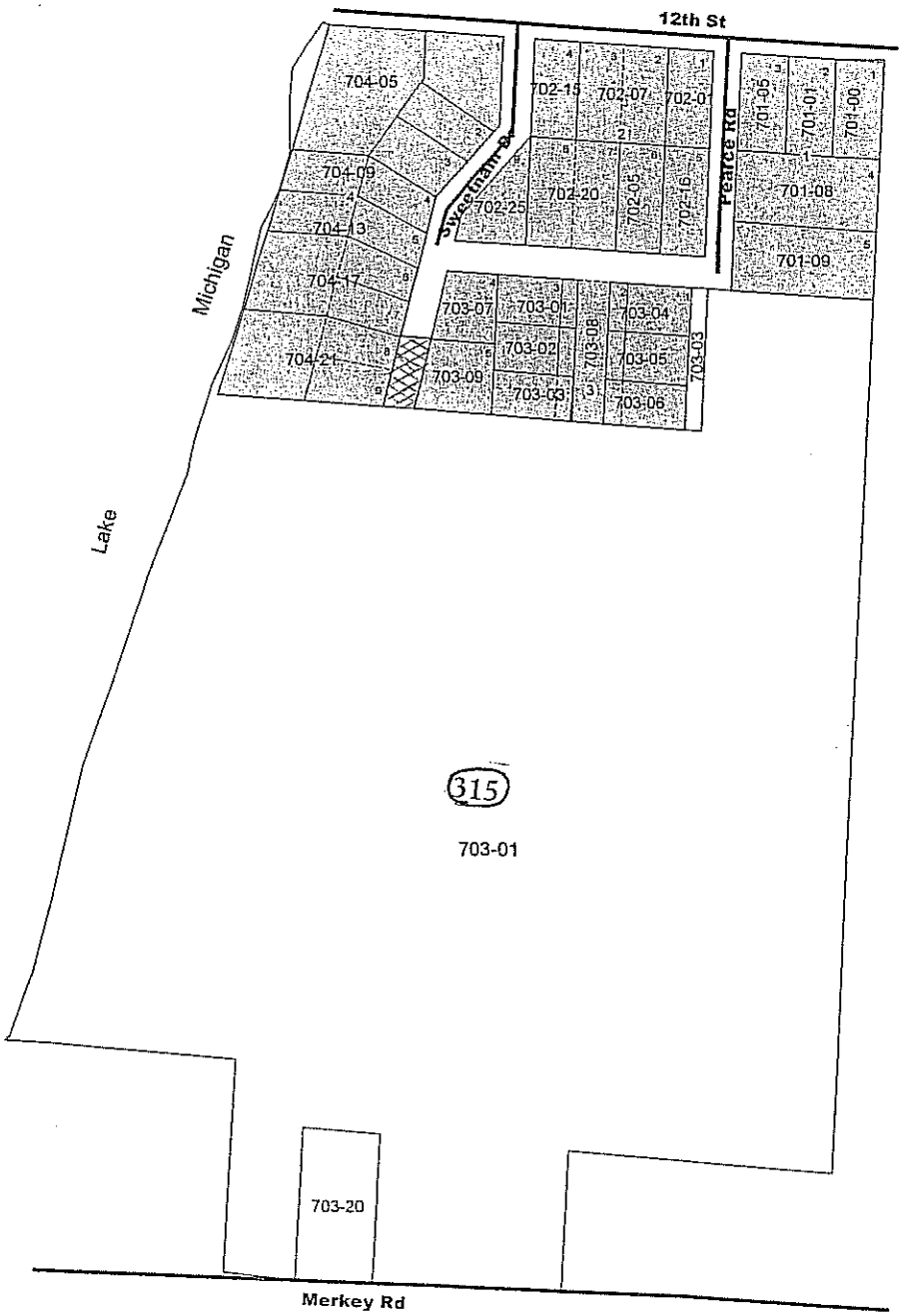
Enclosures

COMMUNITY DEVELOPMENT
BUILDING DEPT.
SEP 17 2007
CITY OF MANISTEE

Reciept #
14552

Manistee County

City of Manistee
Sec 15
51-51-315
51-51-373



Subdivisions

373_Sweetnam

1 inch equals 400 feet
12/2005

N

2007
18-1

CERTIFICATE OF SURVEY

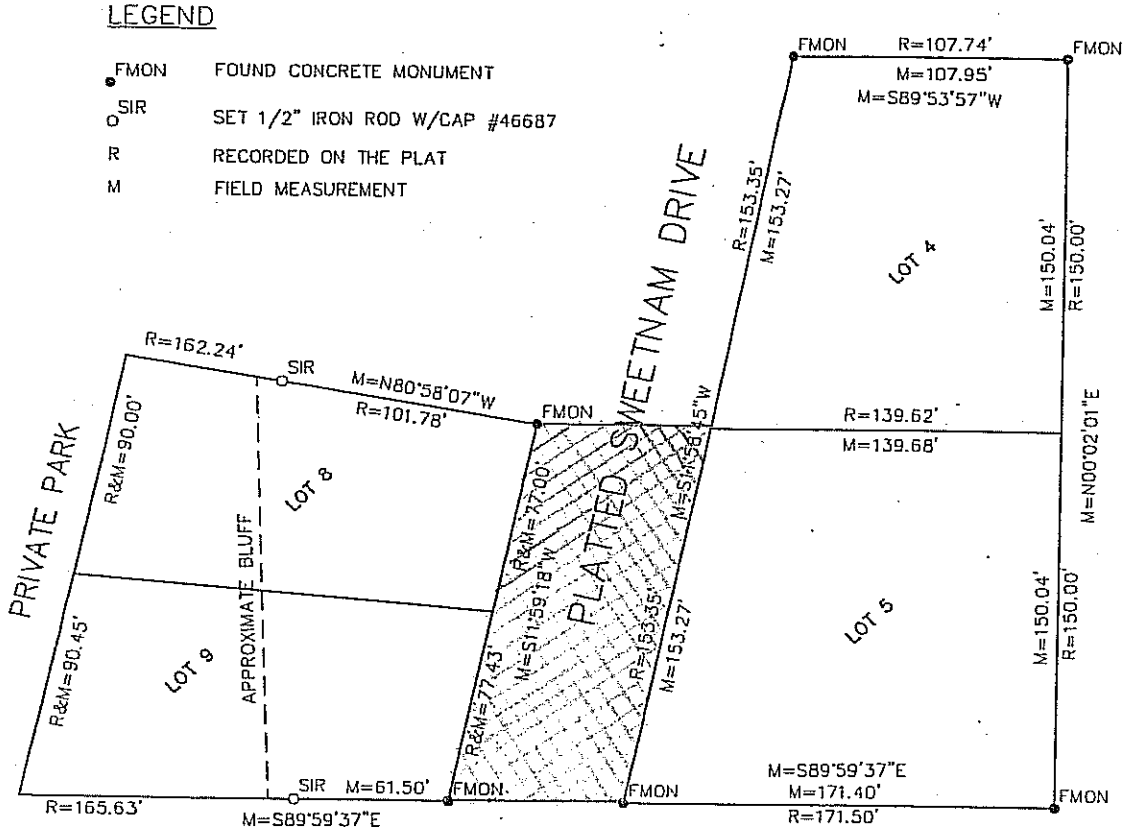
I, CRAIG R. STAPLEY, LICENSED PROFESSIONAL SURVEYOR NO. 46687 IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND

LEGAL DESCRIPTION AS PROVIDED

LOTS 4, 5, 8 & 9, SWEETNAMS LAKE BLUFF, FILER TOWNSHIP, MANISTEE COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF AS RECORDED.

LEGEND

FMON	FOUND CONCRETE MONUMENT
SIR	SET 1/2" IRON ROD W/CAP #46687
R	RECORDED ON THE PLAT
M	FIELD MEASUREMENT



STATE OF MICHIGAN
CRAIG R. STAPLEY
PROFESSIONAL SURVEYOR
No. 46687
LICENSED PROFESSIONAL SURVEYOR

CRAIG R. STAPLEY
LICENSED PROFESSIONAL SURVEYOR No. 46687
ABONMARCHE CONSULTANTS, INC.

8/17/07
DATE OF CERTIFICATE

'LAT OF SURVEY FOR:

HARBOR REAL ESTATE

ABONMARCHE CONSULTANTS, INC.
361 First Street
Manistee, Michigan 49660
231-723-1198
FAX: 231-723-1194
95 West Main Street
Benton Harbor, Michigan 49022
616-927-2295
FAX: 616-927-4639
ARCHITECTS / ENGINEERS / SURVEYORS / PLANNERS

DATE: AUG. 17, 2007	DRAWN BY: CRS
SCALE: 1"=60'	SEC. 15 T. 21N R. 17W

JOB NO. M7-0781

PYRIGHT 1994 – ABONMARCHE CONSULTANTS, INC.

City of Manistee

PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose
Community Development Director

DATE: November 16, 2007

RE: Ordinance Amendments

Commissioners, Denise has completed the changes to the three Ordinance Amendments that were discussed at the November 15, 2007 Worksession. These are enclosed for the Planning Commission to determine if a Public Hearing should be scheduled for the January 3, 2008 Meeting.

We still need to discuss item f. of the Adaptive Reuse ordinance for the C-3 District (highlighted in yellow). This item has been placed under "Old Business" on the agenda.

JRR:djb

DRAFT - FOR PLANNING COMMISSION REVIEW 12/6/07

Ordinance 08 ____

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE" WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions
Section 202 A
CHANGE DEFINITION of Accessory Use

Article 18: Standards and Requirements for Special Uses
Section 1805, Accessory Uses, Related to Uses Permitted
CHANGE Subsection A. Definition

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 2: Definitions, Section 202 A (change definition) ACCESSORY USE be amended as follows:

   ACCESSORY USE: A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings ***and located on or contiguous to the same parcel as the principal use.***

2. That Article 18: Standards and Requirements for Special Uses, Section 1805 Accessory Uses, Related to Uses Permitted be amended as follows:

   SECTION 1805 ACCESSORY USES, RELATED TO USES PERMITTED

   A. **Definition.** A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings ***and located on or contiguous to the same parcel as the principal use.***

   Remainder of Section remains the same

And make appropriate edits to index and chart provisions as necessary

3. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

4. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

_____

Cynthia A. Fuller, Mayor Dated

ATTEST:

_____

Michelle Wright Dated
City Clerk/Deputy Treasure

DRAFT - FOR PLANNING COMMISSION REVIEW 12/6/07

Ordinance 08 ____

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE" WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions
Section 217 P
CHANGE DEFINITION of Parking Facility, Public

Article 9: R-2 Medium Density Residential
Section 902 Uses Permitted by Special Land Use Permit
ADD Parking Facility (requires frontage on a key street segment)

Article 10: R-3 High Density Residential
Section 1002Uses Permitted by Special Land Use Permit
ADD Parking Facility (requires frontage on a key street segment)

Article 14: C-2 Neighborhood Commercial District
Section 1402Uses Permitted by Special Land Use Permit
ADD Parking Facility

Article 17: G-I General Industrial District
Section 1702Uses Permitted by Special Land Use Permit
ADD Parking Facility

Article 18: Standards and Requirements for Special Uses
Section 1865, Parking Facility, Public

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 2: Definitions, Section 217 P (change definition) PARKING FACILITY, PUBLIC be amended as follows:

   PARKING FACILITY, ~~PUBLIC~~ : A parking area ~~available to the public, with or without fee,~~ used to temporarily store motor vehicles.

2. That Article 9: R-2 Medium Density Residential, Section 902 Uses Permitted by Special Land Use Permit be amended as follows:

   U. Parking Facility, subject to Section 1865
   (renumber remainder of Section)

3. That Article 10: R-3 High Density Residential, Section 1002 Uses Permitted by Special Land Use Permit be amended as follows:

   Y. Parking Facility, subject to Section 1865
   (renumber remainder of Section)

4. That Article 14: C-2 Neighborhood Commercial District, Section 1402 Uses Permitted by Special Land Use Permit be amended as follows:

   X. Parking Facility, subject to Section 1865
   (renumber remainder of Section)

5. That Article 17: G-I General Industrial District, Section 1702 Uses Permitted by Special Land Use Permit be amended as follows:

   F. Parking Facility, subject to Section 1865
   (renumber remainder of Section)

6. That Article **18: Standards and Requirements for Special Uses Section 1865, Parking Facility, Public** be amended as follows:

SECTION 1865 PARKING FACILITY, ~~PUBLIC~~

A. **Definition.** A parking area ~~available to the public, with or without fee~~, used to temporarily store motor vehicles.

B. **Regulations and Conditions.**

   1. A Public Parking Facility shall be designed in accord with the standards of **Section 514** of this Ordinance.

   2. Landscaping and Buffering shall be provided pursuant to standards set forth in of **Section 531** of this Zoning Ordinance; provided, that landscaping and buffering shall be provided to screen any ~~Public~~ Parking Facility from an adjacent residentially zoned or used parcel.

3. All exterior lighting shall be in accordance with **Section 525** hereof.

4. The applicant shall demonstrate to the Planning Commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.

5. A site plan shall be submitted illustrating clearly marked circulation patterns. The City shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.

6. ***Within the R-2, R-3 districts, a Parking Facility shall front on a key street segment, as defined herein.***

And make appropriate edits to index and chart provisions as necessary

7. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

8. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

_____

Cynthia A. Fuller, Mayor Dated

ATTEST:

_____

Michelle Wright Dated
City Clerk/Deputy Treasure

DRAFT - FOR PLANNING COMMISSION REVIEW 12/6/07

Ordinance 08 ____

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE" WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions
Section 202 A
CHANGE DEFINITION of Adaptive Reuse

Article 11: R-4 Manufactured Housing Community District
Section 1102 Uses Permitted by Special Land Use Permit
DELETE Subsection C. Adaptive Reuse

Article 17: G-I General Industrial District
Section 1702 Uses Permitted by Special Land Use Permit
DELETE Subsection B. Adaptive Reuse

Article 18: Standards and Requirements for Special Uses
AMEND Section 1807, Adaptive Reuse

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 2: Definitions, Section 202 A (change definition) ADAPTIVE REUSE be amended as follows:

   ADAPTIVE REUSE: ~~The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses.~~ *The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses.*

2. That Article 11: R-4 Manufactured Housing Community District, Section 1202 Uses Permitted by Special Land Use Permit be amended as follows:

   ~~C. Adaptive Reuse, subject to Section 1807.~~
   (Renumber remainder of Section)

3. That Article 17: G-I General Industrial District, Section 1702 Uses Permitted by Special Land Use Permit be amended as follows:

   ~~B. Adaptive Reuse, subject to Section 1807.~~
   (Renumber remainder of Section)

4. That Article 18: Standards and Requirements for Special Uses, Section 1807 Adaptive Reuse be amended as follows:

SECTION 1807 ADAPTIVE REUSE

~~A. Definition. The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses.~~

~~B. Regulations and Conditions. A building originally designed and constructed for another purpose may be reused for multiple family dwellings, in accord with the following standards and conditions.~~

~~1. The exterior of the building shall be designed consistent with the design standards of Article 20, Historic Overlay, if located within said district. Buildings located in the C-3 District, but outside the Historic Overlay, shall be consistent in scale and exterior materials with nearby existing buildings.~~

~~2. Within the C-3 district, the street level of buildings proposed for adaptive reuse will normally be dedicated to retail, office or service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Dwelling units should not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design, such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.~~

~~3. At least fifty percent (50%) of the exterior wall facing the street for retail space on the ground floor shall consist of glass display windows.~~

~~4. Parking shall be provided at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Parking shall be provided within two hundred (200) feet of the building. Two (2) spaces shall be provided per dwelling.~~

~~5. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.~~

~~6. All dwellings shall provide a minimum of five hundred (500) square feet of living space.~~

~~7. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.~~

~~8. Signage shall comply with the requirements of Article 21.~~

A. Definition. The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses.

B. Statement of Intent: There are many older buildings throughout the community which have architectural significance or historic significance, but due to their size and or location may no longer be suited for their intended purpose. This Chapter attempts to provide flexibility in maintaining the viability of these resources to the community.

C. Regulations and Conditions: A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.

1. The Adaptive Reuse of a building in the C-3 District shall meet the following standards:

a. The buildings outside the Manistee Commercial Historic District shall be consistent in scale and exterior materials with nearby existing buildings.

b. Buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission all exterior modifications prior to application to the Planning Commission.

c. For buildings fronting on River Street, at least the first 25 feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.

d. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.

e. Parking shall be located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Required parking shall be provided within two hundred (200) feet of the building. One (1) space shall be provided per dwelling unit.

f. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.

g. All dwellings shall provide a minimum of five hundred (500) square feet of living space.

h. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.

2. The Adaptive Reuse of a building in the R-1, R-2, R-3, W-F, C-1, C-2, Districts shall meet the following standards:

a. The building shall be consistent in scale and exterior materials with nearby existing buildings.

b. Buildings proposed for adaptive reuse may include retail, office, eating and drinking establishments and service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.

c. Parking shall comply with the requirements of Section 514. Parking shall be located within two hundred (200) feet of the building.

e. All dwellings shall provide a minimum of five hundred (500) square feet of living space.

f. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.

g. The minimum lot size shall be consistent with the District standards for Multiple Unit Dwellings.

h. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

3. Signage shall comply with the requirements of Article 21.

And make appropriate edits to index and chart provisions as necessary

5. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

6. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

_____

Cynthia A. Fuller, Mayor Dated

ATTEST:

_____

Michelle Wright Dated
City Clerk/Deputy Treasure

City of Manistee

PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee DB

DATE: November 30, 2007

RE: December Meeting

Commissioners, in the process of doing some of my followup work for the proposed Zoning Amendments I found three other Amendments that are ready for Planning Commission to Schedule a Public Hearing.

They are as follows:

- Ground Mount Signs (Section 2108, Use Type 3) - We amended the section to allow a person who already has a Ground Mount Sign on their Street frontage the ability to put a second Ground Mount Sign on the Waterfront.

  Second we limited the size of a ground mount sign on the waterfront to 16 square feet and prohibited lighting groundmount signs on the riverwalk.

- City Council re-zoned Sand Products Property located on the Northside of the River Channel from R-2 Medium Density Residential to W-F Waterfront as part of an Order of the Manistee County Circuit Court last May. Article 12 Waterfront District, Section 1200 Purpose has been amended to eliminate the language *"on or near the Manistee Lake Shoreline"*.

- While reviewing the Article 2 Definitions for Places of Public Assembly it was discovered that the definitions did not match the definitions listed in Section 1868. This amendment is to correct the definitions and eliminate confusion.

I am asking that the Planning Commission amend the Agenda to provide for these three items to be discussed under Proposed Ordinance Amendments. Thank you!

:djb

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE" WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 21: Signs

Section 2108, Use Type3, Commercial and Office

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 21: Signs, Section 2108, Use Type 3, Commercial and Office be amended as follows:

C-1, C-2, C-3 & W-F not fronting on US-31	Wall, Ground**, Projecting*, Window, Marquee	n/a	1.5 x of principal building width per Section 2102,A,7 b	Either	Ground mount signs shall be limited to one per parcel. Internally lit signs shall be prohibited in the Manistee Historic Commercial District.
C-2, C-3 & W-F Waterfront side	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	***One ground mount sign will be permitted on the waterfront no greater than sixteen (16) square feet in area. Lighting of ground mount signs on the riverwalk shall be prohibited.***

**A second ground mount sign will be allowed no greater than sixteen (16) square feet in area for properties on the waterfront side of the parcel when applicable.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

_____

Cynthia A. Fuller, Mayor Dated

ATTEST:

_____

Michelle Wright Dated
City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE" WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 12: Waterfront District

Section 1200 Purpose and Intent

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 12: Waterfront District, Section 1200 Purpose and be amended as follows:

   It is the intent of this District to establish a mixed-use district incorporating a variety of recreational, residential, business or service uses. ~~on or near the Manistee Lake shoreline.~~ This district is intended to encourage and promote sustainable, environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. The W-F District is intended to host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, service and industrial uses.

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

_____

Cynthia A. Fuller, Mayor Dated

ATTEST:

_____

Michelle Wright Dated
City Clerk/Deputy Treasure

Ordinance 08 - __

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE" WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Making Corrections to Article 2: Definitions
Section 217 P
Place of Public Assembly, Large
Place of Public Assembly, Small

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 2: Definitions, Section 217 P (correct definition) PLACE OF PUBLIC ASSEMBLY, LARGE be amended as follows:

   Current Language
   PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a small facility if it has either less than five thousand (5,000) square feet in gross floor area or total seating capacity of no more than three hundred (300) in the largest room intended for public assembly.

   Corrected Language
   PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

2. That Article 2: Definitions, Section 217 P (correct definition) PLACE OF PUBLIC ASSEMBLY, SMALL be amended as follows:

   Current Language
   PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

   Corrected Language
   PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or

total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

3. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

4. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

_____

Cynthia A. Fuller, Mayor Dated

ATTEST:

_____

Michelle Wright Dated
City Clerk/Deputy Treasure

City of Manistee

P. O. Box 358 • Manistee, Michigan 49660-0358 • www.ci.manistee.mi.us

CITY HALL
70 Maple Street

CITY MANAGER
231.398.2801

CITY ASSESSOR
231.398.2802

BUILDING INSPECTOR
231.398.2806

PLANNING, ZONING & COMMUNITY DEV.
231.398.2805

CITY CLERK
231.398.2803

CITY TREASURER
231.398.2804

WATER BILLING
231.723.2559

ADMINISTRATION
FAX 231.723.1546

CLERK/TREASURER
FAX 231.723.5410

POLICE DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.2012

FIRE DEPARTMENT
281 First Street
231.723.1549
FAX 231.723.3519

PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803

PARKS DEPARTMENT
231.723.4051

WATER MAINTENANCE
231.723.3641

WASTEWATER PLANT
50 Ninth St.
231.723.1553

November 16, 2007

Kate Wickstrom
Narconon Stone Hawk
273 N. Avenue
Battle Creek, MI 49017

VIA FAX 269-969-9759

RE: Special Use Permit

Dear Ms. Wickstrom:

The City of Manistee Planning Commission has inquired into the status of your Special Use Permit. Your letter faxed to me on October 5, 2007 stated that you would be sending bids from your Traverse City Office.

As of today I have not received the bids. In addition we have not received a check to cover the cost of copies that were made for Per. The total is $93.00 and the plans are ready to be picked up.

The Planning Commission will again be inquiring as to the status of your permit at their meeting on December 6, 2007. I would appreciate a response for them at that time.

Your cooperation is appreciated, if you have any questions, please call me at 231.398.2805.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb

cc: City of Manistee Planning Commissioners

COOL CITY Neighborhood

Manistee County

PLANNING DEPARTMENT
231-723-6041
Fax 231-723-1718
planning@manisteecounty.net

MEMO

TO:	All Township, Village, City Planning Commission Members; All Municipal Clerks
FROM:	Sue Wagner, County Planner Sue
RE:	Model Wind Energy Facility Ordinance and Manistee County Wind Plan
DATE:	November 26, 2007

Enclosed please find a copy of the Model Wind Energy Facility Ordinance written by the Great Lakes Renewable Energy Association in cooperation with Manistee County. The Manistee County Wind Plan will be available in our office in a few days, or you may view it online at www.glrea.org.

There will be a Public Hearing on this model ordinance and plan on Thursday, December 13, 2007 at 6 p.m. in the Manistee County Board of Commissioners Room in the Manistee County Courthouse, 415 Third Street, Manistee, MI. We hope to have as many people available as possible to provide input into this ordinance.

If you have any questions, please feel free to contact me.

Great Lakes Renewable Energy Association
County Wind Energy Planning Project in Cooperation with Manistee County

Wind Energy Facility Ordinance Model Ordinance

A. Large Wind Energy Facilities

The following regulations shall apply to all large wind energy facilities and accessories as defined in Section C of this ordinance hereinafter constructed or developed within ***[Municipality]***.

B. Purpose

The purpose of the Wind Energy Facility Ordinance is to enable construction and operation of wind energy systems in ***[Municipality]*** while providing a regulatory scheme and reasonable restrictions, which will preserve public health, safety and welfare. Authority for this ordinance granted under the Michigan Zoning Enabling Act, Act 110 of 2006.

C. Definitions

a. Commission: The***[Municipality]*** Zoning & Planning Commission.

b. Decommissioning: The process of use termination and removal of all or part of a large wind energy facility by the owner or assigns of the large wind energy facility.

c. Inhabited Structures: A permanent building existing prior to the use application used for human or animal habitation.

d. Landowner: The person who owns the property on which a wind energy system is located.

e. MET (Anemometer) Tower: A meteorological tower used for the measurement of wind speed.

f. Total Height: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

g. Non-Participating Property: Real property that has no wind energy system.

h. Owner: The person/entity who owns a wind system.

i. Shadow Flicker: Moving shadows caused by the rotation of the turbine blades passing in front of the sun.

j. Town: Township of ***[Municipality]***, Manistee County, Michigan.

k. Use Termination: The point in time at which a large wind energy facility owner provides notice to the Town of ***[Municipality]*** that the large wind energy facility or individual wind turbines are no longer used to produce electricity unless due to repairs. Such notice of use termination shall occur no less than 30 days prior to actual use termination.

l. Waiver Agreement: A signed statement between owner and Non Participating Property Owner releasing rights of this ordinance relating to, but not limited to, Noise Restrictions, Setbacks and Shadow Flicker restrictions.

m. Wind Energy Facility, Large: An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

n. Wind Energy System, Large: A wind energy system of one (1) wind tower and turbine that has a nameplate capacity of more than one hundred (100) kilowatts and a total height of more than one hundred seventy (170) feet and is used to generate energy for commercial sale.

o. Wind Turbine: A wind energy conversion system, which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer.

D. Regulatory Framework

1. Zoning

a. Large wind energy facilities shall be considered a permitted use in the following zoned areas: _____, with an approved use permit from ***[Municipality]***.

b. MET Towers shall be considered a permitted use in the following zoned areas: _____, with an approved use permit from ***[Municipality]***.

2. Application for a permit for a large wind energy facility shall be submitted to the Zoning Administrator with the following information:

a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

b. The name, address, legal corporate status and telephone number of the owner of the proposed large wind energy facility.

c. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location has been determined. Building permits will not be issued prior to receiving all signed statements, but a use permit may be granted.

d. A description of the number and kind of wind energy system(s) to be installed.

e. A description of the large wind energy system(s)' height and design, including a cross section, elevation, and diagram of how the wind energy system will be anchored to the ground.

f. A site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, support facilities, access, proposed landscaping or fencing.

g. Photo exhibits visualizing the proposed wind energy system.

h. A statement from the applicant that all wind energy system(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

i. A copy of the lease, or recorded document, with the landowner if the applicant does not own the land for the proposed large wind energy facility(s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.

j. A copy of any applicable Waiver Agreements.

k. A copy of Shadow Flicker Analysis.

l. A copy of avian impact, if requested by Township.

m. A copy of Noise study, if requested by Township.

n. A groundwater impact study relating to excavation and/or blasting during construction phase, if requested by Township.

o. A statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored.

p. A statement indicating how the large wind energy facility will be lit, if applicable. Lighting as required by the FAA and as required by the Michigan Tall Structures Act.

3. Application for a permit for a MET tower(s) shall be submitted to the Zoning Administrator with the following information:

a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

b. The name, address, legal corporate status and telephone number of the owner of the proposed MET tower(s).

c. A signed statement indicating that the applicant has legal authority to construct and operate a MET tower(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location has been determined.

d. A description of the number and kind of MET towers(s) to be installed.

e. A description of the MET tower's height and design, including a cross section, elevation, and diagram of how the MET tower(s) will be anchored to the ground.

f. A site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, support facilities, and access.

g. A statement from the applicant that all MET tower(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

h. A copy of the lease, or recorded document, with the landowner if the applicant does not own the land for the MET tower(s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.

i. A copy of any applicable Waiver Agreements.

j. A statement indicating how the large wind energy facility will be lit, if applicable. Lighting as required by the FAA and as required by the Michigan Tall Structures Act.

4. A site grading, erosion control and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a land use permit for a Wind Energy Facility. At the Town's discretion, these plans may be reviewed by the Town's engineering firm. The cost of this review will be the responsibility of the Owner of the large wind energy facility.

5. The applicant shall acquire all other permits, including permits for work done in right-of-ways prior to construction.

6. Wind energy systems and/or MET tower(s) may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per wind turbine. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.

7. An applicant may submit one use permit application for an entire large wind energy facility project located in the ***[Municipality]***, provided that a detailed map identifying parcel locations for all proposed large wind turbines is provided to the ***[Municipality]*** at the time a use application is submitted.

8. A certificate of insurance with a minimum of $1,000,000 liability coverage per incidence, per occurrence shall be required. Each renewal period will require a copy of certificate of insurance be provided to the ***[Municipality]***. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the use permit.

9. Within (30) days after receipt of a permit application, the ***[Municipality]*** will determine whether the application is complete and advise the applicant accordingly.

10. Within sixty (60) days of a completeness determination, the ***[Municipality]*** will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

11. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the ***[Municipality]*** will make a decision whether to issue or deny the permit application.

12. Throughout the permit process, the Applicant shall promptly notify ***[Municipality]*** of any changes to the information contained in the permit application.

13. Changes to the pending application that do not materially alter the initial site plan may be adopted without renewed public hearing.

14. A large wind energy facility authorized by use permit shall be started within twenty-four (24) months of use permit issuance and completed within thirty six (36) months of use permit issuance, or in accordance with a timeline approved by the Town Board. Upon request of an applicant, and for good cause, the Town Board may grant an extension of time.

15. The applicant shall submit a copy of all "as built plans" including structural engineering and electrical plans for all towers following construction to the Town to use for removal of large wind energy facility, if large wind energy facility owner or its assigns fail to meet the requirements of this Ordinance.

16. The ***[Municipality]*** reserves the right to review any use permits granted under this ordinance every five years to ensure that all conditions of the permit are being followed.

17. If a large wind energy facilities ownership changes, the new owner/operator must meet with the Town Board to review the conditions of the current use permit.

E. Applicability

1. The requirements of this Ordinance shall apply to all large wind energy facilities proposed after the effective date of this Ordinance. Wind energy facilities for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such pre-existing wind energy facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this Ordinance.

F. General Requirements for Wind Energy Facilities

1. Principal or Accessory Use
   a. Wind energy systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a large wind energy facility or a part of such facility on such lot. Large wind energy facilities constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
   b. A building permit, issued by the ***[Municipality]*** Zoning Administrator shall be required for each individual wind turbine prior to construction of said wind turbine.

2. Design and Installation

   a. Wind turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.

   b. To the extent possible applicants should use measures to reduce the visual impact of the wind energy facility (wind turbines with similar appearance; reasonable uniformity in overall size, geometry and rotational speeds).

   c. At large wind energy facility sites, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping

that will blend the large wind energy facility to the natural setting and existing environment.

d. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA. Lighting as required by the FAA and as required by the Michigan Tall Structures Act.

e. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or operator of the large wind energy facility.

f. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

g. To the extent applicable, the large wind energy facility shall comply with all applicable building codes and standards.

h. Electrical controls, control wiring, and power lines shall be wireless or to the maximum extent practicable, be placed underground.

i. All electrical components of the large wind energy facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

j. The owner of a large wind energy facility shall defend, indemnify, and hold harmless the ***[Municipality]*** and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the large wind energy facility without limitation, whether said liability is premised on contract or tort.

k. The owner of the large wind energy facility (applicant) shall reimburse the Town and/or County for any and all repairs and reconstruction to the public roads, culverts, and natural drainage ways resulting directly from the construction of the large wind energy facility. A qualified independent third party, agreed to by the Town and/or County and applicant, and paid for by the applicant, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the large wind energy facility and again upon notification of completion of the large wind energy facility project. Any road damage done by the applicant or subcontractors shall be repaired or reconstructed at the applicant's expense. The ***[Municipality]*** may require a bond or cash escrow, held in trust in favor of the ***[Municipality]*** to recover the costs associated with the repair of roadways damaged by the construction of any turbines.

l. Where large wind energy facility construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the landowner.

m. Any recorded access easement across private lands to a large wind energy facility shall in addition to naming the large wind energy facility owner as having access to the easement also name the ***[Municipality]*** as having access to the easement for purposes of inspection or decommission with 24 hour advance notice to the property owners and large wind energy facility owner.

n. Any wind energy turbine or facility that does not produce energy for a continuous period of twelve (12) months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be removed in accord with the removal provisions of this ordinance.

o. The large wind energy facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information will be supplied to the Town Clerk.

G. Setbacks

1. The following regulations shall apply to both wind energy facilities and MET tower(s).

a. Inhabited Structures

i. Each large wind turbine and/or MET tower shall be set back from the nearest inhabited structure a distance of no less than the greater of 1.25 times its total height.[1]

1. The ***[Municipality]*** Town Board may grant a waiver to this requirement for a participating and/or non-participating landowner to decrease the setback, provided the follow provisions have been accomplished.
   a. Non-Participating Property Owner signs a Waiver agreement setting forth the applicable setback provisions and the proposed changes.
   b. The Waiver Agreement shall notify the Non-Participating Property Owner of the setback required by this Ordinance, describe how the proposed Wind Energy Facility and/or MET tower(s) are not in compliance, and state that consent is granted for the Wind Energy Facility and/or MET Tower(s) to not be setback as required by this Ordinance.
   c. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent setback easement must be recorded with the Manistee County Register of Deeds, which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

b. Property Lines

i. Each wind turbine and/or MET tower(s) shall be set back from the nearest property line 1.1 times its total height.

1. The ***[Municipality]*** Town Board may grant a waiver to this requirement for a participating and/or non-participating landowner to

[1] Current technology delivers a tower height of 60-80 meters (197-262 feet). Technological advances over the next few years will bring tower heights to 120-160 meters (395-525 feet). The sentiment of the stakeholders in this process was to let technology and economic determine tower height, rather than setting an arbitrary barrier.

decrease the setback, provided the follow provisions have been accomplished.

a. Non-Participating Property Owner signs a Waiver agreement setting forth the applicable setback provisions and the proposed changes.

b. The Waiver Agreement shall notify the Non-Participating Property Owner of the setback required by this Ordinance, describe how the proposed Wind Energy Facility and/or MET tower(s) are not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.

c. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent setback easement must be recorded with the Manistee County Register of Deeds, which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

c. Public Roads

i. Each wind turbine and/or MET tower(s) shall be set back from the nearest public road right-of-way a distance no less than 1.1 times its total height.

1. The ***[Municipality]*** Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest.

H. Noise and Vibration

a. Audible noise due to large wind energy facility operations shall not exceed 55 dBA for ten percent of the time over a continuous 24 hour period, when measured at any inhibited structure existing on the date of approval of a large wind energy facility building permit.

i. If audible noise exceeds 55 dBA for ten percent of the time over a continuous 24-hour period, the offending wind turbine must be inoperable until repairs are completed, or a waiver agreement is obtained from affected property owners.

ii. The ***[Municipality]*** reserves the right to review the repair plan and evaluate its effectiveness.

b. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior or potentially affected inhibited structures. Ambient noise level measurement techniques shall employ all practical means of reducing the affect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise level measurement location.

c. Any noise level emanating from a wind energy facility falling between two whole decibels shall be the lower of the two.
d. The applicant or wind turbine facility owner shall pay for any noise monitoring or measurements, when reasonable need is determined by the ***[Municipality]*** Town Board.
e. In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be granted by the Town provided the following has been accomplished.

i. Written consent from the affected property owners has been obtained stating that they are aware of the large wind energy facility and noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,
ii. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the Register of Deeds Office for the ***[County]***, which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

I. Minimum Ground Clearance

1. The blade tip of any large wind turbine shall, at its lowest point, have ground clearance of no less than fifty (50) feet.

J. Signal Interference

1. The applicant shall mitigate any interference with electromagnetic communications, such as, but not limited to, radio, telephone, or television signals, including any public agency radio systems, caused by any large wind energy facility and/or MET tower(s).

K. Shadow Flicker

1. The applicant shall conduct an analysis on potential shadow flicker at occupied structures.

i. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year.
ii. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

2. The applicant shall conduct an analysis on potential shadow flicker at public rights of way.

i. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year.
ii. The analysis shall identify problem areas where shadow flicker may affect the roads and other public rights-of way and describe measures that shall be taken to eliminate or mitigate the problems.

3. The large wind energy facility owner/operator shall make reasonable efforts to minimize or mitigate shadow flicker to any inhabited structure on non-participating landowner's property.

L. Avian Risk

1. The large wind energy facility owner/operator shall make reasonable efforts to minimize avian mortality from the operation of a large wind energy facility.

2. The ***[Municipality]*** may require an avian risk study, within 90 days of receipt of application, prior to issuance of a use permit for a large wind energy facility. The owner/operator of the large wind energy facility may submit an Avian Risk study from another community in the state as long as the avian populations are similar and the study was not completed more than five (5) years prior to the use permit request.

3. Wind energy facilities should be located in a manner that minimized significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.

M. Groundwater and Environmental Impact

1. The large wind energy facility owner/operator shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion during construction phase of the wind energy facility.

2. The ***[Municipality]*** may require a groundwater impact study relating to excavation and/or blasting during the construction phase.
   i. Groundwater impact study will be paid at the owner/operator's expense.

3. If deemed necessary by groundwater impact study, reasonable measures must be taken to mitigate or limit construction effects on groundwater.

N. Waste Management

1. All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.

2. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

O. Safety

1. All electrical wires and lines connecting each turbine to the next turbine shall be installed underground, to the maximum extent practicable. The wires and lines running from the last turbine in a string to any substation connecting to the electric utility shall also be run underground, unless the Town determines that overhead lines would best serve the intent of the Ordinance.

2. Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.

3. All access doors to wind turbine towers and electrical equipment shall be locked when unattended.

4. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and large wind energy facility entrances.

5. The large wind energy facility site and all structures shall have, at minimum, a bi-annual inspection report of structural stability, at the cost of the large wind energy facility owner/operator, with a report filed with the ***[Municipality]*** Town Clerk.

   i. Inspection shall be conducted by Manistee County Building Inspector or other qualified professional

6. All Substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.

7. The owner/operator of the large wind energy facility shall post and maintain at each facility a 24 hour a day manned telephone number in case of an emergency.

8. The owner/operator of the large wind energy facility shall provide qualified personnel to conduct training sessions to emergency responders whenever requested by the Town Board.

9. The owner/operator of the large wind energy facility shall provide a company representative to accompany the local Fire Department Inspector during site visits. The owner/operator of the large wind energy facility shall comply with all applicable laws regarding those inspections.

10. The owner/operator of the large wind energy facility shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

P. Decommissioning

1. All Wind generators and appurtenances shall be removed from the site within twelve (12) months or 365 days of use termination notice to the Town Board of ***[Municipality]*** by the owner of the facility or its assigns.

   a. Upon request of the owner or assigns of the large wind energy facility, and for good cause, the ***[Municipality]*** Town Board may grant a reasonable extension of time.

2. The site shall be stabilized, graded, and cleared of any debris by the owner of the facility or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion, unless the property owner requests in writing that the land surface areas not be restored.
   a. Contact soil erosion enforcement officer for recommendations.

3. Any foundation shall be removed to a minimum depth of three (3) feet below grade, or to the level of the bedrock if less than three (3) feet below grade, by the owner of the facility or its assigns.

   a. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Manistee County Register of Deeds.

4. Any access roads shall be removed, cleared, and graded by the owner of the large wind energy facility or its assigns, unless the property owner requests in writing a desire to

maintain the access road. The ***[Municipality]*** will not be assumed to take ownership of any access road unless through official action of the Town Board.

5. Removal shall conform to the contract between property owner and the owner/operator of the large wind energy facility, in addition to the requirements set forth in this ordinance.

6. The Owner shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Costs; Provided, that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or State chartered lending institution chosen by the Owner and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the State and is approved by the ***[Municipality]***.

7. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the ***[Municipality]***.

8. The escrow agent shall release the Decommissioning Funds when the Facility Owner has demonstrated and the ***[Municipality]*** concurs that decommissioning has been satisfactorily completed, or upon written approval of the ***[Municipality]*** in order to implement the decommissioning plan.

Q. Penalties

a. Any wind generation facility, turbine or appurtenant facility hereinafter significantly erected, moved or structurally altered in violation of the provisions of this Ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.

b. Any wind generation facility that does not meet the requirements of this Ordinance, including, but not limited to those dealing with noise or visual appearance, or does not meet the conditions attached to an approved use permit shall provide grounds for revocation of the use permit, thereby deeming the facility an unlawful structure.

c. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the town attorney to bring action to enjoin the erection, moving or structural alteration of such facility or to cause such facility to be vacated or removed.

d. Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall, upon conviction thereof, forfeit no less than $10,000 per offense together with the costs of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

e. This section shall not preclude the ***[Municipality]*** from maintaining any appropriate action to prevent or remove a violation of this section.

R. Review

a. Nothing in the Ordinance shall be construed as limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Michigan Law.

S. Severability

a. The sections, paragraphs, sentences, clauses, articles and phrases of this Ordinance are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such find shall not affect the remaining portions of this ordinance.

ALLIANCE FOR
ECONOMIC SUCCESS
Prosperity is Our Business.

November 28, 2007

Roger Yoder
City of Manistee Planning Commission
225 Seventh St.
Manistee, MI 49660

Dear Mr. Yoder,

Enclosed you will find a news release concerning Manistee Lake and harbor area projects. Our office wants to be sure community members understand these projects, particularly the Rail Relocation Assessment and MSU Small Town Design Initiative. We have created a set of common questions about the projects and answers (also enclosed) aimed to give clarity to these important initiatives.

Please share this information with other community leaders and interested community members. We will continue to send updates on these projects through our e-mail news release list. If you or other community members would like to be added to our electronic distribution list, please send e-mail addresses to bkeson@manistee.com. If you know of community members that have an interest in these projects and they would like to be on our postal mailing list, please have them provide us their name and mailing address either through the above e-mail address or by calling 231-723-4325.

Sincerely,

Renee' Ihlenfeldt
Executive Director

11 Cypress Street Manistee, MI 49660 p 231-723-4325 f 231-723-1515 www.allianceforeconomicsuccess.com

Contact: Renee' Ihlenfeldt
231-723-4325

For Immediate Release

UNDERSTANDING OPTIONS AND OPPORTUNITIES FOR MANISTEE LAKE

Manistee, Michigan – Two initiatives are underway to better understand the options and opportunities for properties surrounding Manistee Lake, a Rail Relocation Assessment Project and the Michigan State University Small Town Design Initiative. And while these initiatives are related, they have distinctly different purposes that need to be understood.

A **Manistee Community Information Flyer** entitled "***Questions and Answers – Concepts for Manistee Lake: Rail Relocation Assessment and MSU Small Town Design Initiative***" is now available from the Alliance for Economic Success by:

- Going to their web site at www.allianceforeconomicsuccess.org
- Calling 231-723-4325 to receive a written or email copy
- Emailing bkeson@manistee.com to receive a written or email copy

"We want everyone with an interest in the future of property around Manistee Lake to participate fully in both of these initiatives," said Renee' Ihlenfeldt, Executive Director of the Alliance for Economic Success that is coordinating the two efforts. "To meaningfully participate, it is important for people to understand the purpose of these two initiatives, how they differ and how they may possibly compliment one another."

Ihlenfeldt explained that the purpose of the Michigan State University Small Town Design Initiative is to develop design concepts and images for properties surrounding Manistee Lake, regardless of the fate of the rail relocation assessment project.

"Manistee Lake, our deep water port and the economic interests surround Manistee Lake have been identified by Envision Manistee County, the City of Manistee's Strategy and other interests as one of the top priorities for the future of our economic well-being and quality of life," Ihlenfeldt said. "The intent of the MSU project is to use community input and the creative talents, abilities and imagination of the Small Town Design Initiative faculty, staff and students to develop design concepts that can be considered in our land use plans, ordinances and for directing future development. We anticipate that one of the design concepts will help us more fully understand how properties could appear and be used in the event of rail relocation but that is not the sole focus of this initiative."

Ihlenfeldt said that the Rail Relocation Assessment Initiative is being undertaken as part of an effort to understand how infrastructure in the county can better support economic development and jobs.

"The Rail Relocation Assessment Initiative is in its infancy," Ihlenfeldt said. "The first project is to determine if rail relocation is feasible. If it is feasible, then a large number of additional questions and issues need to be addressed, including cost. We want the general public to be fully informed and involved throughout this project and the MSU project and we want to clarify the purposes of both projects."

"If our 'Question and Answer' flyer doesn't answer all questions, we ask that any additional questions or concerns be directed to our office," Ihlenfeldt said. "We will make every attempt to answer all questions as quickly as possible, including cases where the answers may be unclear or not known. We cannot overstate the importance of having all interests informed and involved in these two important initiatives."

Attached to this news release is the Manistee Community Information Flyer concerning Manistee Lake initiatives.

Concepts for Manistee Lake:
Rail Relocation Assessment & MSU Small Town Design Initiative

Questions & Answers

Alliance for Economic Success
11 Cypress St.
Manistee, MI 49660
231-723-4325
www.allianceforeconomicsuccess.com
November 2007

Manistee Lake is of great importance to the economic well-being and quality of life in Manistee County. There are two initiatives underway to better understand the options and opportunities for the property surrounding Manistee Lake: a Rail Relocation Assessment Project and the Michigan State University Small Town Design Initiative. While these initiatives are related, they have distinctly different purposes that need to be understood. The following questions and answers are intended to clarify the purposes and relationships of these two initiatives. Questions or comments should be directed to the Alliance for Economic Success at the locations given above.

Why is there discussion about relocating the rail lines?

In October of 2006, AES (formerly the Economic Development Office) hosted a discussion involving several organizations to define infrastructure that is needed to support existing and new businesses and jobs around Manistee Lake.

The focus of the meeting was Manistee's deep water port and the need to keep the Manistee River harbor and channel dredged for commercial navigation to support the businesses that provide over 800 jobs in Manistee County.

It was noted by a Kevin Ruble, President & CEO of Marquette Rail that the swing bridge over the Manistee River, the aged rail bridges on the north side of Manistee Lake and the Big Manistee River wetlands that are traversed by the rail line present potential barriers to economic development for several reasons:

- If the swing-bridge fails, it could delay rail or freighter traffic for a substantial period of time since parts for the bridge are not available and must be custom made.
- The two aging bridges will not support high capacity, heavily loaded rail cars, thereby limiting service and support to existing or new businesses.
- Because of the distance around the north end of Manistee Lake and the physical and environmental conditions involving the current rail line, movement by rail consumes an inordinate amount of time and negatively impacts effectiveness and efficiency of service to industry surrounding Manistee Lake.

It was also noted that, if the existing rail line on the north side of the lake was removed, it could create new opportunities for economic development since the presence of the rail line currently prevents or limits development and use of those lands for other purposes.

Replacing the two older bridges could cost as much as $4 million. Meeting participants recalled that a study of the rail line occurred in 1989 when the rail was used by a different rail company and that the matter should be revisited.

Where does the railroad currently run through Manistee County and what businesses does it serve?

On the picture to the right, the orange line shows where the existing railroad travels through Manistee County. The train approaches from the southeast, travels north along the eastern side of Manistee Lake, proceeds around the northern end of the lake and then travels south servicing Morton Salt and PCA. The train then reverses and retraces its route back around the northern end of the lake and then south down the east side of Manistee Lake. The rail line is operated by Marquette Rail, under a long-term lease-purchase arrangement with CSX Transportation. Marquette Rail currently provides service for Martin Marietta, Morton Salt and PCA, among other customers.

Why is AES involved with the Rail Relocation and MSU Small Town Design Initiatives?

At the October meeting (mentioned above), participants expressed interest in having the AES facilitate community discussions and an assessment of the feasibility involving the location of rail infrastructure around Manistee Lake and potential redevelopment and job creation opportunities.

With regard to the MSU Small Town Design Initiative (STDI), Envision Manistee County and the City of Manistee's Strategic Plan identify Manistee Lake and the deep water port as one of the county's most significant assets for economic development and job creation which is a primary purpose of the AES. The MSU STDI will involve all interests in understanding design concepts and physical images for properties surrounding Manistee Lake. The STDI program produces results that are conceptual and may be more fully developed based upon community opinion, needs and opportunities and the actions of affected local governmental units.

While these initiatives are somewhat related, they have distinctly different purposes.

Has the decision been made about relocating the rail lines?

No.

AES has received a Community Development Block Grant from the Michigan Economic Development Corporation and has contracted with Pathfinder Engineering for the completion of a Rail Relocation Feasibility Study. This study will determine if there is a feasible route for the rail to be located around the south end of the lake.

For this particular project, "feasible" means that an alternative rail route could be engineered, sited and safely constructed and operated. If it is determined that there is a feasible route, or routes, it will be clarified exactly where that route is including the properties that align with the route. It is also possible that this study could determine that there is not a feasible route to the south.

Regardless of the findings, the AES will provide the results of the feasibility study through:

- A New Release to the General Public
- It's e-news (contact the AES at bkeson@manistee.com to be put on the distribution list for the e-news.)
- Copies of the study that will be available for public review at the offices of Manistee County, City of Manistee, Stronach Township, Filer Township, and Manistee Township and on the web page of the County and the AES.

If the project is determined to be "feasible", what will happen next?

If a route is determined feasible, it will be up to Marquette Rail to develop a definitive proposal that would be required to get various local, state and/or federal permits, licenses or other forms of review and approval, all of which have due processes for public participation.

AES contracts with Manistee County and the City of Manistee to provide economic development services. Therefore, AES will look toward these two municipalities for direction as to whether they would like AES to continue to work to advance the project.

How much would this project cost and who would pay for it?

The cost of this rail relocation project is not known because the feasibility study has not been completed. A cost estimate will be available when the study by Pathfinder Engineering is complete.

The contract with Pathfinder Engineering contains a requirement for them to determine potential funding sources and opportunities. There are believed to be funds available at the Federal and State level for projects like this one. If implementation is to be successful, it may require funds from numerous grantors, as well as private corporations.

If this project were to get implemented, what would happen to all of the areas where the rail line used to be on the north end of the lake?

A complimentary project underway is the Small Town Design Initiative for Manistee Lake and Harbor. This initiative is being led by Michigan State University's School of Planning, Design and Construction's landscape architecture students and faculty. Input is being collected from community members regarding their ideas, desires and concerns about the Manistee Lake and harbor area. MSU Landscape Architecture Students will interpret this community input and create a variety of designs for the geographic area. Their designs will show what it could look like if the rail line is moved and what it could look like with improvement, if the rail line stays as is. For both of these scenarios there could be multiple designs, again based on the variety of community input provided. These design suggestions will not be used to make specific decisions regarding whether the rail relocation project is implemented. In either scenario, whether the rail remains as is or if it is relocated, the ideas for the designs stem from community input and can be helpful in looking at possible future uses for the area.

Are there others projects in progress that are related to this Rail Relocation Feasibility Study?

AES is utilizing funds from the CDBG grant and a USDA Rural Development grant to complete an Economic Development Study and Marketing Strategy for Manistee Lake and Harbor. This will take into consideration the rail relocation, but is not completely based on the rail line moving. It will be used to determine what types of uses would be best for the area around the lake and in the harbor area. All types of industrial, commercial and recreational businesses will be considered. As part of this there will be a marketing strategy developed to help those involved in economic development in Manistee County to attract businesses that hold the greatest potential for the county and businesses.

What are potential negative impacts of relocating the rail around the south end of Manistee Lake?

- Rail line would be located on properties that currently do not have such infrastructure.
- Private landowners may consider this type of new infrastructure near their homes as a negative impact.
- There is concern about the potential impact on existing wildlife, natural environments and specifically the surrounding wetlands.
- Limitations for future land and water uses caused by the presence of rail infrastructure.
- Potential losses in property values.
- There would likely be new railroad crossings.

If a feasible route is determined, additional negative impacts might be cited at that time.

Has this project been discussed in any public or private forums?

Yes, but only as a concept since the feasibility of rail relocation is not known.

- AES presented the project concept to the Manistee Manufacturers' Council (MMC). MMC passed a resolution of support for "(1) The continued development of this concept, coordinated by the Economic Development Office (now AES), including an assessment of costs and community benefits; and (2) That CSX Transportation be requested, as part of the assessment, to make a commitment to participate in the support of economic well-being and quality of life in Manistee County, particularly focused on wise planning, use and development of the affected properties."

- The AES presented this potential project at a Stronach Township Board Meeting, Charter Township of Filer Board Meeting, Manistee County Board of Commissioners Meeting and the Manistee County Planning Commissioners Board Meeting.

- AES provided a brief update on this topic to the Manistee City Council during an AES status report. The recent Strategic Plan for the City of Manistee identified rail relocation and development of the deep water port as high priorities.

- Manistee County Board of Commissioners passed a resolution of support for "the continued development of this concept, coordinated by the Economic Development Office and the Economic Development Office's efforts to pursue a CDBG economic development planning grant, with Manistee County as the applicant, to be used for a feasibility study for this proposed rail reroute project."

Have Manistee County citizens had an opportunity to provide input on this project?

Public comments were allowed following AES's presentation at the Stronach Township Board Meeting. The public was also encouraged to provide comments during a public hearing for the Community Development Block Grant at a Manistee County Commissioner's Board Meeting.

How will the community become aware of the route feasibility study results?

If a route is determined to be feasible, AES will first communicate with property owners who have property that aligns with the potential new route. These meetings are intended to be made in person with the landowners. AES will ask the Township Supervisor to participate in meetings with residents in their community.

When will that study be completed?

It is anticipated that the Rail Relocation Feasibility Study will be completed in the March/April 2008 timeframe. The findings of that study will be openly communicated and shared.

There has been talk about a map with a specific line showing where the rail was going to be relocated around the south end of Manistee Lake. If this map exists, isn't the decision already made and the route already determined?

A map was produced that indicated the rail route that used to exist on the south end of the lake until the 1940's. This map was drawn as a tool to help understand what existed in the past. Part of that route is actually now Grant Street. The existence of this map is not an indication of a new route (although portions of this route may prove to be feasible in the new routing), nor is the existence of this map an indication that a decision has been made to fully pursue this project.

Why hasn't AES been in contact with the local property owners?

At this time, a feasible route has not been determined. If it is determined that there is a feasible route or route(s), properties that align with these potential routes will be identified and discussions initiated with the associated property owners. In the event that a route is determine to be feasible, many other studies and steps will occur in the event that public and private interests choose to further pursue the project.

Who is paying for the rail route feasibility study?

AES wrote for a Community Development Block Grant (federal money) managed by the Michigan Economic Development Corporation (MEDC). The grant was written with Manistee County as the recipient. Manistee County was officially awarded this grant in October. Funding will also be provided by Marquette Rail, operator of the rail line. AES is coordinating the project in the interest of Manistee County.

What are the potential benefits associated with relocating the rail around the south end of Manistee Lake?

The pros and cons of rail relocation will be more specifically defined in the event that rail relocation is determined to be feasible. It is important to note that, if rail relocation is determined to be feasible, extensive opportunities for input by all interests will be provided through the due process provisions of laws, rules, plans or ordinances that may be applicable to such a relocation. The following are the current known benefits of relocating the rail:

- The two bridges built in the 1880's will no longer be used, eliminating two potential points of failure on the rail route.
- Two hazardous railroad crossings on US 31 would be eliminated.
- Five total road crossings would be eliminated.
- Seven miles of unnecessary rail travel, in each direction, would be removed by having a shorter route along the south. This would provide for quicker response time of rail service to local industries.
- Trains would no longer be traversing over several miles of wetlands, which only allows for rail travel of 10 miles per hour.
- The rail yards along the northern portion of Manistee Lake would be eliminated, providing for a more aesthetic entrance into the Manistee community.
- Land along the northern end of Manistee Lake would be available for additional development.
- The rail line no longer needed along the north and northeast area of the lake has great potential for providing recreational opportunities for the community, such as walking and biking trails.