

	<b>Water Resources Division POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: December 19, 1994 Revised Date: May 11, 2000 Reformatted Date: October 15, 2013 <b>DRAFT 6/16/2016</b>	Subject: Part 323 - Determination of Readily Moveable Structure		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive  Type: <input type="checkbox"/> Policy <input type="checkbox"/> Procedure <input checked="" type="checkbox"/> Policy and Procedure
	Program Name: Water Resources Program		
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*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of or procedures and practices available to the public; and does not have the force and effect of law. DEQ staff shall follow the directions contained in this document.*

**PURPOSE:**

To assist staff in determining when a structure meets the definition of a readily moveable structure (RMS). Determination of RMS must be made for all structures proposed to be located lakeward of the required setback line for large permanent structures.

**AUTHORITY:**

Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

R 281.21 of the Great Lakes Shorelands Administrative Rules as promulgated pursuant to Part 323 of the NREPA.

**STAKEHOLDER INVOLVEMENT:** Possible stakeholders to notify for comments include zoning administrators and building officials, coastal structure moving companies, Michigan Association of Planning; Michigan Townships Association, Home Builders Association of Michigan, Michigan Environmental Council, Michigan Association of Realtors.

**DEFINITIONS:**

“Readily moveable structure (RMS)” means a small permanent structure which is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:

(i) The buildings shall be on pilings, a basement, or crawl space. Except as noted in paragraph (ii) of this subdivision, a slab-on-grade foundation does not meet this criterion.

(ii) Above-grade walls shall be stud wall or whole log construction. Above-grade walls that are constructed of masonry, including stone walls, concrete poured, or concrete block walls do not meet this criterion. Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage which is bolted to a slab foundation and which does not have plumbing or interior walls is a readily moveable structure if it meets the

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remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other wastehandling facilities are not readily moveable structures. [R 281.21 (1)(k)]

“Required Setback Distance (RSD)” means the least distance a permanent structure can be constructed from the EHL without a special exception. [R 281.21 (1)(l)]

**POLICY:**

- A. As of the effective date of this Policy a structure, on a slab-on-grade foundation measuring a maximum area of 676 square feet, shall be considered readily moveable as defined by subrule R 281.21(1)(k). This area is typical of a large 2-car garage and the cost to relocate is reasonable as required in subrule R 281.21(1)(k)(i, ii).
- B. As of the effective date of this Policy a foundation will be considered a basement when the basement walls are greater than or equal to 50% below finished grade, e.g., two walls completely below grade or all walls greater than or equal to 50% below grade. This includes walkout basements.

The Michigan Residential Code 2015 defines a basement as that story that is not a story above grade plane. The same code defines a basement wall as “the opaque portion of a wall that encloses one side of a basement and has an average below grade wall area that is 50 percent or more of the total opaque and nonopaque area of that enclosing side”. A basement foundation gives structure movers access to the structure when relocation is required. The wall of a walkout basement is not typically 50 percent below grade yet provides access for moving the structure. For purposes of this policy the wall of a walkout basement does not have to be 50 percent below finished grade. The opaque portion of the wall will be figured into the total percentage of all walls below finished grade. A total of 50 percent or more of opaque wall of the structure must be below finished grade to be determined a basement foundation.

- C. As of the effective date of this Policy the calculations of the cost of relocating a structure and the replacement cost of a structure to determine if a structure is readily moveable as defined by subrule R 281.21(1)(k)(ii) will be determined by the following procedure.

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**PROCEDURE:**

Step	Who	Does What
		<b>Determine if the existing structure can be relocated.</b>
1	WRD staff	<p>Is there sufficient depth on the property for relocation? Measure the required setback distance (RSD) from the lakeward edge of the existing structure. This measures the distance when the structure is threatened.</p> <p>If yes, go to 2. If no, the structure cannot be relocated on the parcel; go to 5.</p>
2	WRD staff	<p>Is there access of sufficient width and acceptable grade to allow the building to be moved when threatened by erosion?</p> <p>If yes, go to 3. If no, the structure cannot be relocated on the parcel; go to 5.</p>
3	WRD staff	<p>Are there potential impacts to regulated resources such as critical dunes and wetlands when the structure is relocated? If so, are the impacts permissible?</p> <p>If yes, go to 4. If no, the structure cannot be relocated on the parcel; go to 5.</p>
4	WRD staff	<p>If there are local issues that would prevent use of landward locations on the property, has the applicant provided supporting information from the zoning administrator?</p> <p>If yes, the structure cannot be relocated on the parcel; go to 5. If no or not applicable, go to 6.</p>
5	WRD staff	<p>If the structure cannot be relocated on the current property has the applicant provided the cost of a new property for structure relocation? The new property does not have to be currently owned or purchased by the applicant nor does the property have to be a coastal parcel.</p> <p>If yes, go to 1. If no, the structure is not readily moveable.</p>

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Step	Who	Does What
6	WRD staff	<p>Has the applicant provided an estimate of the relocation cost from a professional home mover indicating the relocation of the structure can be accomplished at a reasonable cost? The estimate will be for a habitable relocated structure including the disconnection and reconnection of utilities, raising the structure, construction of a new foundation, relocation of the structure and, if needed, the cost of the new property where the structure will be moved.</p> <p>If yes, record the relocation cost and go to 7. If no, the structure is not readily moveable.</p>
<b>Determine the replacement cost of the structure.</b>		
7	WRD staff	<p>Has the applicant provided</p> <ol style="list-style-type: none"><li>a. a detailed assessment value and multiplier from the local equalization department for the parcel,</li><li>b. an estimate from a builder using the square foot area of the existing structure and the current square foot cost of construction in the area or</li><li>c. an itemization of the replacement cost for each component of the building?</li></ol> <p>If yes, record the replacement cost and go to 8. If no, the structure is not readily moveable.</p>
8	WRD Staff	<p>Calculate value to determine if the structure is a RMS.</p> <p>If (replacement cost)(.25) is less than the relocation cost then the structure is readily moveable.</p> <p>If not, the structure is not readily moveable.</p>

**REFERENCES:**

Michigan Residential Code 2015, Michigan Department of Energy, Labor and Economic Growth, Bureau of Construction Codes.

DIVISION CHIEF APPROVAL:

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Kim Fish, Acting Chief  
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CHIEF DEPUTY DIRECTOR APPROVAL:

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Jim Sygo, Chief Deputy Director

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