

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
STATE BOUNDARY COMMISSION

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In the matter of:

State Boundary Commission  
Docket #13-AP-2

The proposed annexation of land  
in Clam Lake Township to the City of Cadillac,  
Wexford County.

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**SUMMARY OF PROCEEDINGS,  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**SUMMARY OF PROCEEDINGS**

1. On June 5, 2013, a petition was filed with the State Boundary Commission by TeriDee, L.L.C. requesting the annexation of land in Clam Lake Township to the City of Cadillac. This is the same area that was previously denied by the Commission in Docket #11-AP-2. The map and legal description of the area proposed for annexation are included as **Exhibit A**.
2. On June 10, 2013, under the authority of 1984 PA 425, Intergovernmental Conditional Transfer of Property by Contract, a 425 Conditional Transfer between the Charter Township of Haring and the Township of Clam Lake, was filed with the Michigan Secretary of State. The 425 Conditional Transfer includes the area of the proposed annexation as well as other lands to the east also in Clam Lake Township. This agreement was approved by the respective governmental bodies at a joint meeting on May 8, 2013 and is included as **Exhibit B**.
3. On August 13, 2013, the State Boundary Commission found by a vote of 5-0 that the annexation petition was legally sufficient and scheduled a public hearing to be held on October 23, 2013.
4. On October 21, 2013, the "First Amendment to Agreement for Conditional Transfer" between the Charter Township of Haring and the Township of Clam Lake was filed with the Michigan Secretary of State. This amendment revised the conditions of the 425 Conditional Transfer referenced in Item 2 above. This amendment is included as **Exhibit B-1**.

5. On October 23, 2013, the Commission held a public hearing at the Cadillac City Hall. At the meeting, the Commission heard comment from the involved parties and the public on the merits of the proposed annexation and the 425 Conditional Transfer. Following the hearing, a 30-day public comment period was opened and expired on November 21, 2013. Following the 30-day public comment period, a 7-day rebuttal period opened December 9, 2013 and expired on December 16, 2013. The petitioner, TeriDee, L.L.C., the City of Cadillac and both the Charter Township of Haring and Clam Lake Township filed additional information with the Commission after December 16, 2013.
6. On March 14, 2014, a “Second Amendment to Agreement for Conditional Transfer” between the Charter Township of Haring and the Township of Clam Lake was filed with the Michigan Secretary of State. This amendment revised the conditions of the “First Amendment to Agreement for Conditional Transfer” referenced in Item 4 above. This amendment is included as **Exhibit B-2**.
7. On April 16, 2014, the State Boundary Commission voted 4-1 to recommend to the Director of the Department of Licensing and Regulatory Affairs that he find the 425 Conditional Transfer between the Charter Township of Haring and Clam Lake Township invalid. The Commission believes that the 425 Conditional Transfer was created solely as a means to bar the annexation and not as a means of promoting economic development.
8. On April 16, 2014, the State Boundary Commission voted 4-1 to recommend to the Director of the Department of Licensing and Regulatory Affairs that he approve the petition for annexation.
9. On June 11, 2014, the Commission voted unanimously to approve the meeting minutes for the April 16, 2014 meeting reflecting the Commissioners decisions on this case, and the draft Summary of Proceedings, Findings of Fact, and Conclusions of Law recommending that the Director of the Department of Licensing and Regulatory Affairs sign an order approving the proposed annexation of land in Clam Lake Township to the City of Cadillac. The approved meeting minutes are included as **Exhibit C**.

### **FINDINGS OF FACT**

1. The proposed area for annexation is located at the interchange of state highway M-55 and US-131, a federal limited access, interstate highway. It is located adjacent to the easterly boundary of the City of Cadillac and along the northerly boundary of Clam Lake Township. State highway M-55 traverses the common boundary between Clam Lake Township to its south and the Charter Township of Haring to its north.
2. The City of Cadillac has public services, i.e., water and sanitary sewer services, near the proposed annexation area. According to the petition, the request for annexation was initiated to facilitate an economic development project within the area to be annexed. The economic development project, however, requires connection to public services, such as

public water and public sanitary sewer services, and the City of Cadillac is able to provide the needed services in the immediate future.

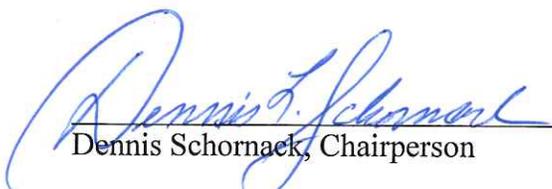
3. The 1984 PA 425 Conditional Transfer included the area of the proposed annexation, plus additional lands, in Clam Lake Township, east of and adjacent to the proposed annexation area. A copy of the original 425 Conditional Transfer and the two amendments to this agreement are included as Exhibits B, B-1 and B-2. In the 425 Conditional Transfer, the Charter Township of Haring indicates that they can provide Clam Lake Township with the needed public services, i.e., water and sanitary sewer services; however, their nearest existing services are approximately 2 miles from the proposed area for annexation. Clam Lake Township can only supply these services via a contract with the Charter Township of Haring that would require an estimated \$1 to 2 million dollars in additional construction costs than if connecting to the infrastructure available from the City of Cadillac. The 425 Conditional Transfer also required a mixed-use development of residential and commercial properties with specific zoning requirements for the development.
4. The portion of the proposed annexation area designated for an economic development project is currently zoned "Forest/Recreational" according to the current Wexford County Zoning Map and "Wexford County Comprehensive Plan".
5. The portion of the proposed annexation area designated for an economic development project was the subject of a proposed 425 Conditional Transfer between the City of Cadillac and Clam Lake Township that was rejected by the voters of Clam Lake Township in 2008.
6. The Commission found that the 425 Conditional Transfer was invalid because it was not being used to promote economic development. Their determination was based on the following:
  - a. The economic development project that is allowed by the 425 Conditional Transfer is not believed by the Commission to be viable. The developer, and majority owner of the land encompassed, was not involved in the development of, or contacted for input on, the 425 Conditional Transfer before it was signed by the Townships.
  - b. Clam Lake Township received no benefit from the agreement, i.e., there is no revenue sharing included. The Charter Township of Haring would receive all tax revenue.
  - c. Copies of email correspondence between Clam Lake and Haring Township officials and area residents were obtained by the petitioner and provided to the Commission. These emails discuss the 425 Conditional Transfer as a means to deny the Commission jurisdiction over the proposed annexation and prevent development of the area. **See Exhibit D.**
  - d. The Charter Township of Haring's ability to effectively and economically provide the defined public services including adequate water pressure in the event of a fire.

- e. The timing of the 425 Conditional Transfer.
  - i. The development of the agreement was not initiated until after the Townships learned that an annexation request was going to be filed.
    1. On Monday, April 15, 2013 an email from George Giftos, member of the Haring Township Planning Commission, to Clam Lake and Haring Township officials and area residents discussing the 425 Conditional Transfer as a means to deny the Commission jurisdiction over the proposed annexation and prevent the development of the area. (See Exhibit D.) This email:
      - a. Mentions the rumor that TeriDee, L.L.C will file an annexation petition with the State Boundary Commission on June 4.
      - b. Opines that “the reason that the 425 agreement with Haring Twp. was thrown out by the State Boundary Commission was that it was deemed to be a ploy and had been filed AFTER the filing by Terri-Dee (sic) for annexation. If we were to pursue this again and got it done BEFORE June 4, that argument would no longer apply.”
      - c. Further states, “Clam Lake Twp. is planning on meeting with their attorney to investigate what other options may be available to them in a closed session Wednesday night. Haring Twp. will have a special meeting at 3pm tomorrow (Tuesday).”
    2. On May 8, 2013, the 425 Conditional Transfer was the subject of a public hearing and was approved by both Townships at a special joint meeting on the same night.
7. The Commission found the following to support its recommendation to approve the annexation petition based on the criteria specified in Section 9 of the State Boundary Commission Act [1968 PA 191, MCL 123.1009]:
  - a. *Need for community services; the probable future needs for services; the probable effect of the proposed incorporation and of alternative courses of action on the cost and adequacy of services in the area.*
    - i. The economic development project planned by the petitioners requires connection to public water and sanitary sewer services in order to be constructed. These services are available immediately from the City of Cadillac. It is unknown when these services would be available from the Charter Township of Haring.

- b. *The present cost and adequacy of governmental services in the area;*
- i. Clam Lake Township can only supply public water and sewer services via a 425 Conditional Transfer with the Charter Township of Haring that would require an estimated \$1-2 million dollars in additional construction costs than the infrastructure available from the City of Cadillac. The infrastructure is immediately available from the City of Cadillac. It is unknown when these services would be available from the Charter Township of Haring.
- c. *The practicability of supplying such services in the area;*
- i. The infrastructure connection from the Charter Township of Haring is dependent on a number of factors, including local governmental action, procurement of easements, construction of additional pumping stations and the completion of the Haring Township Wastewater Treatment Plant. The timeframe to receive these services from the Charter Township of Haring is unknown, while the services available from the City of Cadillac can be accessed immediately.
- d. *The past and probable future growth, including increase and business, commercial and industrial development in the area.*
- i. The economic development project planned by the petitioners will create new jobs in the area during construction and after it is built out.
8. A copy of the approved minutes from the State Boundary Commission's April 16<sup>th</sup>, 2014 meeting is included as **Exhibit C**.

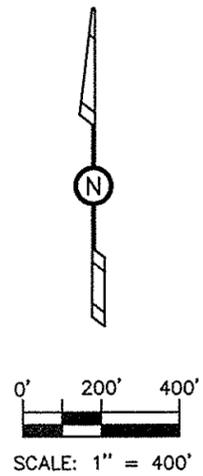
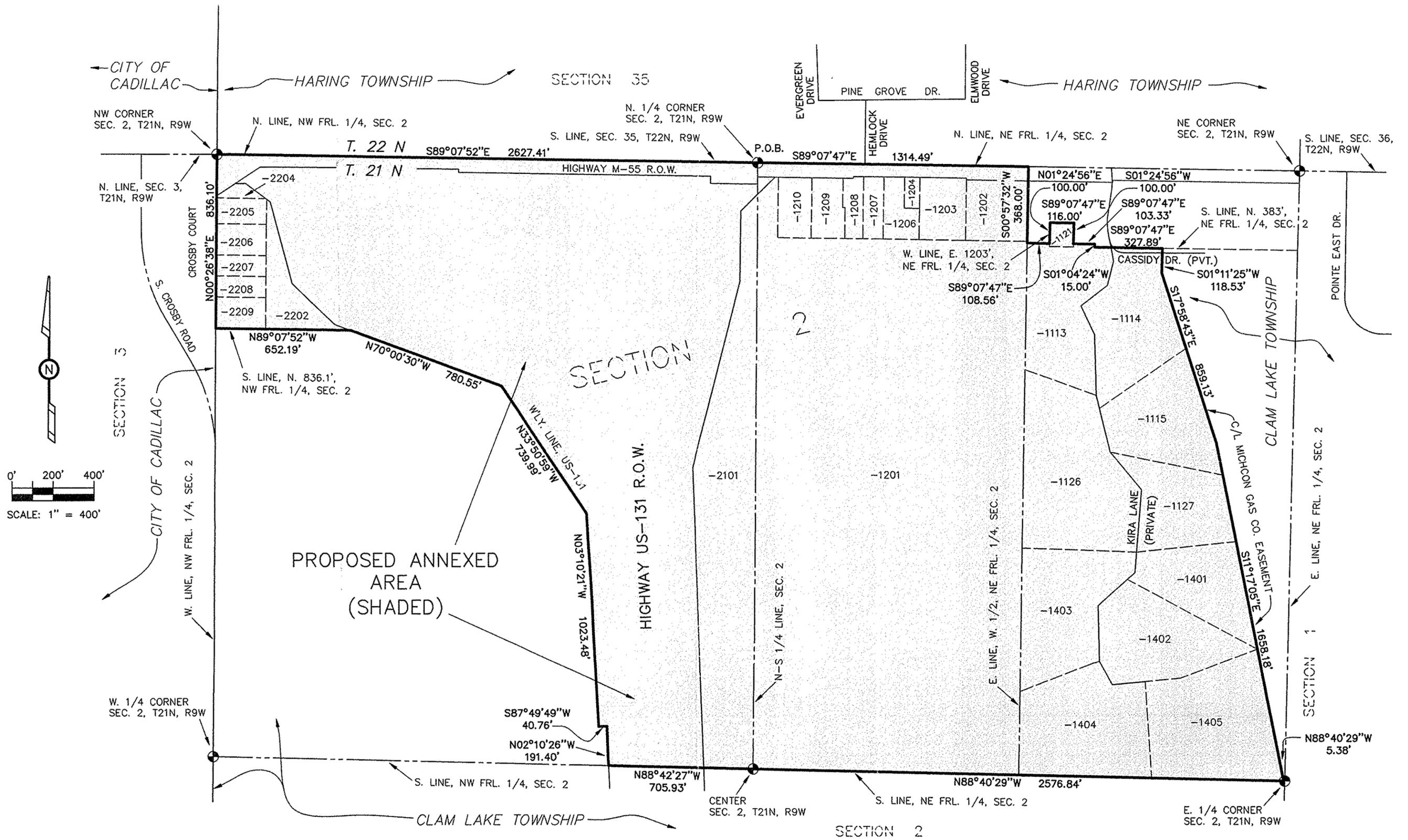
### CONCLUSIONS OF LAW

1. The State Boundary Commission has considered the requirements in section 9 of 1968 PA 191, MCL 123.1009 and has come to the conclusion that these criteria support the majority vote of the Commission. The Commission recommends that in the case of Docket# 13-AP-2, Petition for Annexation of Territory in Clam Lake Township to the City of Cadillac, Wexford County, be approved by the Director of the Department of Licensing and Regulatory Affairs.
2. Pursuant to Executive Reorganization Order 1996-2, this denial is contingent on the concurrence of the Director of the Department of Licensing and Regulatory Affairs.

  
Dennis Schornack, Chairperson

  
Date

# EXHIBIT A



PROPERTY OWNED BY PETITIONER	
PPN (PREFIX = 2109-02 FOR ALL PARCELS)	AREA
-1113, -1114, -1115, -1121, -1126, -1127, -1201, -1203, -1204, -1207, -1208, -1209, -1210, -1401, -1402, -1403, -1404, -1405,	140.49 AC.
PROPERTY NOT OWNED BY PETITIONER	
PPN (PREFIX = 2109-02 FOR ALL PARCELS)	AREA
MDOT PARCELS -2101, -2202, -2204	15.98 AC.
R.O.W US-131	72.16 AC.
R.O.W M-55	6.27 AC.
OTHER PARCELS -1202, -1206, -2205, -2206, -2207, -2208, -2209	6.41 AC.
	241.31 ACRES TOTAL

# PART I

CLAM LAKE TOWNSHIP  
CITY OF CADILLAC  
T.21 N. - R.9 W.  
WEXFORD COUNTY, MICHIGAN

### PART III

#### Description of proposed Annexed Area:

Part of the NW fractional 1/4 and part of the NE fractional 1/4, Section 2, T21N, R9W, Clam Lake Township, Wexford County, Michigan, described as: Beginning at the N 1/4 corner of said Section 2; thence S89°07'47"E 1314.49 feet along the North line of said NE fractional 1/4; thence S00°57'32"W 368.00 feet along the East line of the West 1/2 of said NE fractional 1/4; thence S89°07'47"E 108.56 feet; thence N01°24'56"E 100.00 feet along the West line of the East 1203 feet of said NE fractional 1/4; thence S89°07'47"E 116.00 feet; thence S01°24'56"W 100.00 feet; thence S89°07'47"E 103.33 feet; thence S01°04'24"W 15.00 feet; thence S89°07'47"E 327.89 feet along the South line of the North 383 feet of said NE fractional 1/4; thence S01°11'25"W 118.53 feet to the centerline of a MichCon Gas line easement; thence S17°58'43"E 859.13 feet and S11°17'05"E 1658.18 feet along said centerline to a point on the South line of said NE fractional 1/4 which is N88°40'29"W 5.38 feet from the E 1/4 corner of said Section 2; thence N88°40'29"W 2576.84 feet along the South line of said NE fractional 1/4 to the center of Section 2; thence N88°42'27"W 705.93 feet along the South line of the NW fractional 1/4, Section 2 to the Westerly line of Highway US 131; thence N02°10'26"W 191.40 feet along said Westerly line; thence S87°49'49"W 40.76 feet and N03°10'21"W 1023.48 feet and N33°50'59"W 739.99 feet and N70°00'30"W 780.55 feet along said Westerly line to the South line of the North 836.1 feet of said NW fractional 1/4; thence N89°07'52"W 652.19 feet along said South line to the West line of said NW fractional 1/4; thence N00°26'38"E 836.10 feet along said West line to the NW corner of said Section 2; thence S89°07'52"E 2627.41 feet along the North line of said NW fractional 1/4 to the place of beginning.

Contains 241.31 acres.

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**FILED**

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# **EXHIBIT B**

Rec. 6/10/2013  
E. Richardson  
10:35 AM

**AGREEMENT FOR CONDITIONAL TRANSFER**

This Agreement is entered into by and between the Charter Township of Haring, a Michigan charter township, 515 Bell Avenue, Cadillac, Michigan 49601 (hereinafter referred to as "Haring") and the Township of Clam Lake, a Michigan general law township, 8809 East M-115, Cadillac, Michigan 49601-9786 (hereinafter referred to as "Clam Lake"), effective as of June 10, 2013.

**WHEREAS**, Haring and Clam Lake are local units as that term is defined by Public Act 425 of 1984, as amended, MCL 124.21, *et seq* ("Act 425");

**WHEREAS**, Haring is organized under the Charter Township Act, Public Act 359 of 1947, as amended, MCL 42.1, *et seq*;

**WHEREAS**, Clam Lake is organized under Chapter 16, Revised Statutes of 1846, MCL 41.1, *et seq*;

**WHEREAS**, properties within Haring and Clam Lake are currently used for residential, commercial and industrial purposes, or are proposed for future residential, commercial or industrial uses;

**WHEREAS**, Haring owns and operates a public water supply system that has capacity to serve the current and reasonably anticipated users within Haring, and also a number of users within Clam Lake, provided that Clam Lake property owners need those services;

**WHEREAS**, Haring and Clam Lake currently receive wastewater treatment services under separate agreements with the City of Cadillac (the "City"), but Haring has undertaken a project to construct its own wastewater treatment plant ("WWTP"), which is designed to have capacity to treat wastewater from users within current and reasonably anticipated service districts in Haring, and also users within certain areas of Clam Lake, provided that Clam Lake properties need those services;

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RECORDED/FILED  
JUN 10 2013 11:27  
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**WHEREAS**, the Haring WWTP is expected to be completed, operational, and receiving wastewater for treatment in the spring of 2015;

**WHEREAS**, Haring and Clam Lake recognize that the existing and future water and wastewater needs of both townships will benefit from the townships' mutual cooperation;

**WHEREAS**, the territory legally described in attached Exhibit A and depicted on the map attached as Exhibit B (hereinafter referred to as the "Transferred Area") is partially developed for residential housing;

**WHEREAS**, the owners of the portion of the Transferred Area that has not yet been developed have represented that they intend to develop the property, but that they need municipal wastewater treatment and public water supply services in order to develop the property;

**WHEREAS**, when the undeveloped portion of the Transferred Area is developed, Haring is currently in a better position than Clam Lake to provide that portion of the property with municipal wastewater treatment and public water supply services, because those services can be extended to the property from the Haring WWTP by the spring of 2015, but Clam Lake does not currently own or operate a wastewater treatment system or public water supply;

**WHEREAS**, when the undeveloped portion of the Transferred Area is developed, Haring is currently in a better position to reasonably regulate the development, for the reason that Haring has adopted and placed into effect zoning regulations for the entire Township of Haring, and Clam Lake is instead subject to County zoning, rather than having its own zoning ordinance;

**WHEREAS**, pursuant to Act 425, the Township Boards of Haring and Clam Lake held a joint public hearing on May 8, 2013 regarding this Agreement, notice of which was given in the manner required by law; and,

WHEREAS, the Haring Charter Township Board and the Clam Lake Township Board have each decided, by majority vote of the members duly elected and serving on each respective body, to enter into this Agreement and have authorized their respective representatives to execute this Agreement on their behalf.

NOW, THEREFORE, it is hereby agreed as follows:

**ARTICLE I  
CONDITIONAL TRANSFER**

**1. Factors Considered**

Prior to the execution of this Agreement, Haring and Clam Lake have considered numerous factors including, but not limited to, the following:

- a. density and composition of population;
- b. land area and uses;
- c. topography and natural boundaries;
- d. assessed valuation;
- e. drainage and soil erosion;
- f. both proposed and possible future commercial and industrial development and growth;
- g. residential development and growth;
- h. the need for organized community services; the present cost and adequacy of governmental services, the future need of those services and the ability to provide those services;
- i. the practical effect of transferring property from one township to another including the impact on taxes and tax rates in relation to the benefits expected to accrue from the transfer;
- j. the general effect upon local units involved and the relationship of such an agreement to established city, village, township, county or regional land use plans.

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**2. Conditional Transfer of Property**

The territory legally described in attached Exhibit A and depicted on the map attached as Exhibit B shall be known as the "Transferred Area." From the effective date of this Agreement until the Termination Date of the Conditional Transfer (the "Duration of the Conditional Transfer"), the Transferred Area shall be conditionally transferred for all purposes from the jurisdiction of Clam Lake to the jurisdiction of Haring.

**3. Economic Development Project**

The Transferred Area is currently used, in part, for existing residential housing, and the balance is currently undeveloped. The Transferred Area is proposed for the implementation of an economic development project under Act 425, with said economic development project consisting of two aspects, as follows: (a) the construction of a mixed-use, commercial/residential development that is designed and constructed in accordance with principles of planned unit development (as described further in Article I, Paragraph 6 of this Agreement), in order to balance the property owners' desire for commercial use with the need to protect the interests of surrounding residential property owners; and, (b) the provision of public wastewater services and public water supply services to the Transferred Area, so as to foster the new mixed-use development and to provide for the protection of the environment, including, but not limited to, protection of ground water and surface water on and below the Transferred Area.

**4. Governmental Services and Authority**

(a) For the Duration of the Conditional Transfer, Haring shall provide the Transferred Area all municipal facilities and services afforded to property owners within Haring, to the extent that such services are available, and shall have the same local governmental authority

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within the Transferred Area as in the balance of Haring. In addition, Haring shall promptly provide public wastewater services and public water services to the newly-developed portion of the Transferred Area following the receipt by Haring of one or more certified resolutions duly adopted by the Clam Lake Township Board directing that the necessary infrastructure to effect the provision of such wastewater services and/or public water services be constructed (such infrastructure to be referred to as the "Transferred Area Wastewater and Water Infrastructure"), subject to the express conditions: (i) that Clam Lake shall be solely responsible for payment and financing of all allocable costs associated with extending such services to the Transferred Area by the construction of the Transferred Area Wastewater and Water Infrastructure, including, but not limited to, the costs of design, bidding, construction, permitting, easement acquisition (if needed), legal services, bonding, and all other costs of extending wastewater and water infrastructure to the Transferred Area; and (ii) that the obligation of Haring to provide public wastewater services is subject to the completion of construction and availability of the Haring WWTP for the receipt of wastewater for treatment in accordance with applicable law.

(b) After public wastewater services have been extended to the Transferred Area from Haring, the townships agree to mutually cooperate in exploring the extension of Haring public wastewater services to other areas of Clam Lake, subject to the availability of those services. In furtherance of this mutual cooperation, Haring agrees to promptly provide, in accordance with the provisions of this subparagraph (b), public wastewater services to the area designated as "Phase I" of the Clam Lake Downtown Development Authority ("DDA") District on the map attached hereto as Exhibit C, upon Clam Lake's request, as evidenced by a certified resolution adopted by the Clam Lake Township Board, if capacity is available in the Haring WWTP and related collection

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infrastructure to accommodate the projected wastewater flow from this area, at the time Clam Lake's request is made. The determination of whether capacity is available shall be made by Haring, in its sole discretion, based on factors such as, but not limited to, (i) the then-current wastewater flows into the Haring WWTP, Haring collection infrastructure and the wastewater portion of the Transferred Area Wastewater and Water Infrastructure (the "Transferred Area Wastewater Infrastructure"); (ii) the anticipated and reasonably projected future wastewater flows into the Haring WWTP and Haring collection infrastructure, from Haring lands, over the following ten (10) years; (iii) any commitments that Haring has made to third-parties, by contract or otherwise, for the provision of wastewater treatment services; (iv) the limitations of the NPDES permit for the Haring WWTP; and (v) the anticipated flow and strength of wastewater from Clam Lake. If Haring determines, in its sole discretion, that capacity is not available to serve Phase I of the Clam Lake DDA District, the townships agree to mutually cooperate in determining whether it is feasible to expand the capacity of the Haring WWTP, the Haring collection infrastructure and/or the Transferred Area Wastewater Infrastructure, as the case may be, to accommodate Clam Lake's request for additional service. If the townships mutually agree that the capacity of the Haring WWTP, the Haring collection infrastructure and/or the Transferred Area Wastewater Infrastructure, as the case may be, can and should be expanded to accommodate Clam Lake's request for service to Phase I of the DDA District, Clam Lake shall be responsible for paying all costs, including financing, associated with the creation of the additional capacity, or if Haring decides to create additional capacity in excess of that needed by Clam Lake, Clam Lake shall be responsible for payment of its proportional share of the costs incurred to expand the capacity of the WWTP, the Haring collection system infrastructure and the Transferred Area Wastewater Infrastructure, as the case may be, as determined by the percentage of

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capacity created for Clam Lake in relation to the total amount of new additional capacity being created. If wastewater services are extended to Phase I of the Clam Lake DDA District, Clam Lake shall be solely responsible for financing and payment of all costs associated with extending collection infrastructure and related appurtenances from the Transferred Area to Phase I of the DDA District (the "DDA District Wastewater Infrastructure"), including, but not limited to, the costs of design, bidding, construction, permitting, easement acquisition, legal services, bonding, and all other costs of extending wastewater infrastructure to Phase I of the Clam Lake DDA District. Haring's obligation to provide wastewater services to Phase I of the Clam Lake DDA District is conditioned upon Clam Lake entering an intermunicipal agreement with Haring with respect to the wastewater services to be provided by Haring, with said agreement having the minimum terms described in Article I, Paragraph 17.b of this Agreement, it being understood and agreed that such minimum terms applicable to the Transferred Area Wastewater and Water Infrastructure shall also apply to the DDA District Wastewater Infrastructure.

**5. Ordinance Enforcement**

For the Duration of the Conditional Transfer, the Transferred Area shall be subject to the enforcement of Haring ordinances, codes, rules and regulations in effect or subsequently amended.

**6. Zoning and Building**

a. The Transferred Area is currently zoned by Wexford County as Forest-Recreational (F-R), and is being used, in part, for residential purposes. The existing F-R zoning of the Transferred Area shall remain in effect only until Haring can amend its zoning ordinance to accomplish the following:

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1. The following described portions of ~~STATE BOUNDARY COMMISSION~~ already developed for residential housing shall be zoned in a Haring zoning district that is comparable to the existing County zoning and existing land use:

The West 1/2 of the Northwest fractional 1/4 of Section 1, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan.

And also the North 386 Feet of the Northeast fractional 1/4 of Section 2, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan, but only with respect to the lots or parcels within this area that are already developed for residential housing.

2. The balance of the Transferred Area that is currently undeveloped shall be rezoned, upon application of the property owner(s), to a planned unit development ("PUD") district that permits mixed commercial/residential use; provided, however, that Haring shall not consider a PUD rezoning application for this portion of the Transferred Area until (i) it has adopted provisions in its zoning ordinance that allow mixed-use commercial/residential PUDs, and which require that such PUDs comply with the following minimum requirements, and (ii) the property owner(s) have submitted an application that complies with the following minimum requirements:

**MINIMUM PUD DEVELOPMENT REGULATIONS**

**I. General Requirements.**

- A. Commercial uses shall comprise not more than 60% of the developed land area, exclusive of open space.
- B. The density of development in the residential phase of the PUD shall not be more than 4 units/acre. Multifamily buildings shall be permitted, but they shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.

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- C. Commercial uses shall be physically separated from adjacent residential uses (both existing residential uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.
- D. The development shall be served by public wastewater and public water supply systems.

## II. Architecture

- A. All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the township.
- B. The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.

C. Building designs shall be reviewed by the Planning Commission as a part of site plan review under the following criteria:

1. Commercial buildings shall possess architectural variety.
2. Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area.
3. For commercial buildings, a minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block fluted block scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and travelling through the Township.
4. Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty (20) percent of the façade may utilize other

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material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.

5. Front building facades for commercial buildings shall provide a minimum 15% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area.
6. Building materials and colors shall be related to and harmonious with the surrounding area.
7. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.
8. Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.
9. Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying

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rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.

10. Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.
11. Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
12. Commercial building rear facades shall be constructed to a finished quality comparable to the front façade where visible to a public street or residential district or use.
13. Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
14. Exterior neon lighting, or interior neon lighting that is visible from the exterior, is prohibited.
15. The commercial portion of the mixed use PUD shall complement the overall PUD plan and the commercial

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buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.

16. Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.

### III. Landscaping and Overall Site Design

Landscaping and design elements of the PUD plan shall comply with the following requirements:

- A. Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.
- B. The overall design shall promote the impression of a natural landscape.
- C. Where practical, existing trees that are in good health and above three inches in caliper along the frontage and within the site shall be preserved.
- D. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
- E. Retention, detention and the overall stormwater system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or

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varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

F. *Parking Lots.* The following landscaping requirements shall apply to parking lots:

1. Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way, shall have perimeter landscaping, between the parking lot and right-of-way, as follows:
2. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.
3. The landscaped area shall include at least one tree, measuring at least eight feet in height at the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.
4. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the

location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.

5. For parking lots of over 100 spaces or 30,000 square feet, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:

- a. Traffic islands shall be located to improve traffic flow and views.
- b. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.
- c. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.
- d. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.
- e. All interior landscaped areas of a parking lot shall be designed as “bio-retention” areas, to facilitate the

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treatment and ground absorption of stormwater runoff  
using a combination of microbial soil process,  
infiltration, evaporation, and appropriate plantings.

- G. Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact.
- H. Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced.
- I. The outdoor display of items for sale shall not be permitted.
- J. Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
- K. A minimum 35 foot greenbelt is required along state highways, such as M-55, as measured from the edge of the highway right-of-way. Said greenbelt shall be landscaped and planted in accordance with this Chapter, except for approved driveways.

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- L. Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways, such as M-55.

**IV. Commercial Lighting**

- A. All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.
- B. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.
- C. No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

**V. Other**

The PUD plan shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of the Haring Township Zoning Ordinance, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the above regulations are more stringent, the more stringent regulations shall apply.

- b. Haring will use reasonable efforts to adopt the above-described zoning provisions for the Transferred area within one year of the effective date of this Agreement, so that the property owner(s) of the undeveloped portion of the Transferred Area are able to make application to

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Haring for PUD approval reasonably in advance of the date when public wastewater and public water are scheduled to be extended to the Transferred Area, in the spring of 2015.

c. After such amendments to the Haring zoning ordinance, and for the Duration of the Conditional Transfer, the Transferred Area shall be subject to Haring's Zoning Ordinance and building codes as then in effect or as subsequently amended.

**7. Assessing and Taxation**

For the Duration of the Conditional Transfer, the Transferred Area shall be deemed to be within Haring's corporate limits and jurisdiction for all purposes of assessing and taxation, including but not limited to *ad valorem* real and personal property taxes, specific taxes, payments in lieu of taxes, and tax abatements, as provided by law.

**8. Special Assessments**

For the Duration of the Conditional Transfer, the Transferred Area shall be subject to Haring's jurisdiction for all purposes of special assessments. Clam Lake states and represents that there are no special assessment districts currently in place within the Transferred Area.

**9. Charges for Governmental Services**

For the Duration of the Conditional Transfer, the Transferred Area, except as provided in the second sentence of this Paragraph 9, shall be subject to the same fees, rates and charges for governmental services provided by Haring to other properties within the jurisdiction of Haring. The parties understand and agree that connection, use and other fees, rates and charges for wastewater services and public water services for properties receiving such services in the Transferred Area may be based in part on the cost of the Transferred Area Wastewater and Water Infrastructure and, that

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accordingly such fees, rates and charges may differ in amount from fees, rates and charges applicable to Haring wastewater and public water customers located in other portions of Haring.

**10. Liens**

For the Duration of the Conditional Transfer, all liens provided by Township Ordinance or State Law pertaining to the provision of services and the enforcement of special assessments and *ad valorem* real and personal property taxes shall have the same force and effect with respect to the Transferred Area as to other property within the corporate limits of Haring.

**11. Voting**

For the Duration of the Conditional Transfer, any qualified person residing within the Transferred Area shall be deemed to be qualified as an elector of Haring and shall be entitled to vote in all elections as a qualified elector of Haring.

**12. Limitation on Annexation**

For the Duration of the Conditional Transfer, the Transferred Area shall only be subject to the method of transfer included in this Agreement; no other method of annexation or transfer shall take place for any portion of the Transferred Area. In the event that any petitions for annexation are filed for any portion of the Transferred Area, Haring and Clam Lake agree to actively oppose such petitions by, at a minimum, stating their opposition in writing, requesting in writing that such petitions be dismissed and denied, and refraining from providing any direct or indirect assistance or support to the petitioners.

**13. Taxes and Other Revenues**

For the Duration of the Conditional Transfer, all taxes, revenue sharing and other revenues of any source or kind received by Haring due to or from the Transferred Area, or due to or from any

activities conducted, use, occupation or population on or within the Transferred Area, shall be retained solely by Haring and shall not be shared with Clam Lake.

**14. Duration of the Conditional Transfer**

The Conditional Transfer shall be in effect only from the Effective Date of this Agreement until the Termination Date of the Conditional Transfer.

**15. Effective Date**

The Effective Date of this Agreement shall be the date first listed above

**16. Termination Date of the Conditional Transfer**

The Conditional Transfer shall be terminated on the earliest date below:

- a. On the date that is twenty (20) years after the Effective Date of this Agreement;
- b. On a date that is mutually agreed in writing by the parties;
- c. On the date that this Conditional Transfer is rejected in a referendum election of the residents of a local governmental unit that is party to this Agreement as permitted by Act 425; or
- d. By operation of law should a tribunal of competent jurisdiction order the termination or invalidity of this Agreement.

**17. Jurisdiction after Termination**

a. Immediately following the Duration of the Conditional Transfer, without any further agreement or writing, the Transferred Area shall automatically and permanently return to the jurisdiction of Clam Lake for all purposes, and thereafter shall no longer be within the jurisdiction of Haring for any purposes. Upon return of the Transferred Area to Clam Lake, the Transferred Area

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shall be subject to Clam Lake's Zoning Ordinance and building codes as then in effect subsequently amended.

b. Pursuant to Article I, Paragraph 4 of this Agreement, Haring will provide public wastewater service and public water supply service to the newly-developed portion of the Transferred Area by the construction of the Transferred Area Wastewater and Water Infrastructure from the Haring public wastewater and public water supply systems (each a "Utility System" and together, the "Utility Systems"). Effective upon the Termination Date of the Conditional Transfer in accordance with Article I, Paragraph 16, Clam Lake agrees to enter into an intermunicipal agreement with Haring with respect to the services provided by Haring from the Utility Systems to the Transferred Area. This intermunicipal agreement shall contain mutually agreeable provisions, which, at minimum, shall: (1) provide for the consent by Clam Lake to the use of the public rights-of-way in Clam Lake by Haring for purposes of the Transferred Area Wastewater and Water Infrastructure; (2) provide for the consent by Clam Lake to the installation, construction, extension, improvement, operation, maintenance, repair and replacement of all Transferred Area Wastewater and Water Infrastructure by Haring within Clam Lake; (3) provide for the ownership by Haring of that portion of the Transferred Area Wastewater and Water Infrastructure located within Haring and the ownership by Clam Lake of that portion of the Transferred Area Wastewater and Water Infrastructure located within the Transferred Area or Clam Lake; (4) provide appropriate provisions for the extension and improvement of the Utility System infrastructure or the Transferred Area Wastewater and Water Infrastructure which serves Clam Lake, whether such infrastructure is located within or without Clam Lake; (5) provide that Utility System customers located in Clam Lake shall pay to Haring fees, rates and charges for services rendered by the Utility Systems; (6) provide for the

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adoption by Clam Lake of Utility System ordinances providing for matters pertinent to the connection to, the use of and rates and charges payable with respect to the Utility Systems within Clam Lake, with such Clam Lake ordinances being (i) subject to the prior review and approval by Haring and (ii) not less restrictive than similar ordinances in effect in Haring; (7) provide for the billing and collection of Utility System fees, rates and charges to customers of the Utility Systems located in Clam Lake and appropriate provisions for the collection of delinquent fees, rates and charges; (8) provide for Clam Lake to place, in the manner provided by law, delinquent Utility System fees, rates and charges, upon certification by Haring, on the Clam Lake Township tax roll and, upon collection of the same, to pay the collected amounts to Haring; (9) provide for the adoption and implementation of appropriate notice and claim procedures provided by Act 222 of the Public Acts of Michigan of 2001, as amended; and (10) provide for insurance coverage with regard to the Utility Systems, the Transferred Area Wastewater and Water Infrastructure, and the use thereof. Haring and Clam Lake agree that the term of such intermunicipal agreement shall, to the extent permitted by law, extend for a period of time that, at minimum, is co-extensive with the terms of the then outstanding bonded or contractual indebtedness of (1) Haring with respect to the Utility Systems which serve the Transferred Area, and (2) Clam Lake with respect to the Transferred Area Wastewater and Water Infrastructure. Clam Lake agrees to provide all necessary assurances requested by Haring to satisfy requirements of Haring's lenders with regard to the Utility Systems, including entering into any required supplemental service agreements. Haring agrees to provide all necessary assurances requested by Clam Lake to satisfy requirements of Clam Lake's lenders with regard to the Utility Systems and the Transferred Area Wastewater and Water Infrastructure. If requested by Haring, separate intermunicipal agreements shall be negotiated for wastewater service

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and public water supply service. Haring and Clam Lake agree to negotiate the intermunicipal agreement(s) required by the terms of this paragraph in good faith and to commence such negotiations not less than six (6) months prior to the Termination Date of the Conditional Transfer.

**ARTICLE II  
ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement of the parties and may not be modified or amended except by the written consent of the parties.

The parties acknowledge and agree that one or more amendments to the provisions of this Agreement, including without limitation Article I Paragraph 13 relating to Taxes and Other Revenue, may be necessary and appropriate to enable Haring to provide wastewater services and public water services to the Transferred Area and to enable Clam Lake to pay and finance the cost of the Transferred Area Wastewater and Water Infrastructure and providing wastewater services and public water services to the Transferred Area, and, accordingly, each party agrees to negotiate in good faith one or more amendments to this Agreement proposed as necessary or appropriate by the other party for the foregoing purposes.

**ARTICLE III  
GOVERNING LAW**

This Agreement shall be construed in accordance with the laws of the State of Michigan. The parties hereby consent to the jurisdiction and venue in the Circuit Court for the County of Wexford with respect to all complaints, claims, demands, or other issues related to or arising from this Agreement. In the event of a dispute between the parties arising under this Agreement, this Agreement shall be enforced by either party in an action commenced in Wexford County, Michigan, and under Michigan law.

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**ARTICLE IV  
NON-ASSIGNMENT**

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No party to this Agreement shall assign any of its rights, duties or obligations hereunder without the written consent of all parties.

**ARTICLE V  
SEVERABILITY**

In the event that any provision of this Agreement is held to be unenforceable for any reason, such holding shall not affect the viability and enforceability of the remainder of this Agreement.

**ARTICLE VI  
FILING**

In accordance with Act 425, this Agreement shall be filed with the Wexford County Clerk and the Secretary of State Office of the Great Seal.

**ARTICLE VII  
BINDING EFFECT**

This Agreement is binding upon the parties hereto, their successors and their assigns.

**ARTICLE VIII  
NOTICES**

Any notice, demand, or communication required, permitted or desired to be given under this Agreement shall be deemed effectively given when personally delivered or mailed by first class or certified mail addressed to the then acting officials follows:

If to Haring:

Township Supervisor  
Charter Township of Haring  
515 Bell Avenue  
Cadillac, Michigan 49601

If to Clam Lake:

Township Supervisor  
Clam Lake Township  
8809 East M-115  
Cadillac, Michigan 49601-9786

The parties may, by written notice, designate any further or different addresses to which subsequent notices, demands, or communications may be given.

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**ARTICLE IX  
MODIFICATION**

No party to this Agreement may unilaterally modify this Agreement. There are no third party beneficiaries to this Agreement and none are intended.

**ARTICLE X  
CONTINUING RESPONSIBILITIES FOR INDIVIDUAL LIABILITIES**

Haring and Clam Lake shall each be responsible for such liabilities as may be incurred through their respective provision of governmental services and other performances of this Agreement and each shall respond to and provide for such liabilities on the same basis as Haring and Clam Lake do generally, except as set forth in Article XII of this Agreement.

**ARTICLE XI  
EMPLOYEES**

Haring shall be solely responsible for the manner of employing, engaging, compensating, transferring or discharging any employees, independent contractors or other personnel with respect to the governmental services Haring shall provide under this Agreement. Clam Lake shall be solely responsible for the manner of employing, engaging, compensating, transferring or discharging any employees, independent contractors or other personnel with respect to the governmental services Clam Lake shall provide under this Agreement.

**ARTICLE XII  
REIMBURSEMENT AND INDEMNIFICATION**

1. Clam Lake agrees to reimburse Haring for any and all costs and expenses, including without limitation actual attorney fees, which Haring incurs prior to execution of this Agreement for the Agreement's review, preparation, hearing and notice.

2. Clam Lake agrees to reimburse Haring for any and all costs and expenses, including without limitation actual attorney fees, which Haring incurs to adopt and implement the new zoning

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regulations described in Article I, Paragraph 6 of the Agreement, including the costs and expenses to review any zoning application submitted under the new mixed-use PUD regulations.

3. Clam Lake agrees to reimburse Haring for any and all costs and expenses, including without limitation actual attorney fees, which Haring incurs to return jurisdiction of the Transferred Area to Clam Lake upon the termination of the Conditional Transfer under this Agreement, or upon any other event causing the termination or invalidation of this Agreement.

4. Clam Lake agrees, to the extent permitted by law, to indemnify and hold harmless Haring from any and all claims for damages, costs, expenses, fees (including without limitation actual attorney fees), liabilities and all other forms of monetary relief, whether legal or equitable in nature, arising in any way from the execution and implementation of this Agreement, including, without limitation, claims that might arise from the zoning or rezoning of the Transferred Area or the provision of public sanitary sewer and/or public water supply service to the Transferred Area. Clam Lake further agrees to reimburse Haring for all costs, expenses and actual attorney fees Haring incurs, whether in administrative or judicial proceedings, involving the execution and implementation of this Agreement, including, without limitation, (a) proceedings before the State Boundary Commission involving the validity of this Agreement and/or annexation of the Transferred Area, (b) judicial proceedings involving the validity of this Agreement and/or annexation of the Transferred Area, or (c) administrative or judicial proceedings relating, in any way, to the zoning or rezoning of the Transferred Area. Haring may submit such reimbursable expenses, to the extent they are incurred, to Clam Lake on a monthly basis. Clam Lake shall pay Haring within 45 days following receipt of a written request for reimbursement from Haring. In the event that Clam Lake fails to indemnify and hold Haring harmless or fails to pay reimbursable expenses within the required 45 day

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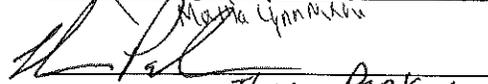
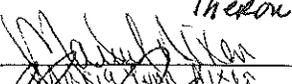
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period, Haring may commence an action in the Wexford County Circuit Court for recovery of unpaid amount(s) and/or to otherwise enforce Clam Lake's indemnity/hold harmless obligations under this provision. If Haring prevails in such an action, whether in whole or in part, Clam Lake shall be required to pay Haring all costs, expenses and actual attorney fees Haring incurred in the action. The Haring Township Board retains its right to select its own legal counsel to represent Haring in any and all of the foregoing matters, including, without limitation, proceedings that might arise from the zoning or rezoning of the Transferred Area. The obligations of this Article shall survive the termination of the Agreement and shall be binding on the parties, even if this Agreement is otherwise adjudged, whether in administrative or judicial proceedings, to be invalid for the purpose of satisfying the requirements of Act 425.

IN WITNESS WHEREOF the parties hereto have caused this instrument to be effective on the day and year first above written.

IN THE PRESENCE OF

CHARTER TOWNSHIP OF HARING

  
\_\_\_\_\_  
Maria Lynn Miller  
  
\_\_\_\_\_  
Theron Parker  
  
\_\_\_\_\_  
Maria Lynn Miller  
  
\_\_\_\_\_  
Theron Parker

By:   
\_\_\_\_\_  
Robert Scarbrough, Supervisor

By:   
\_\_\_\_\_  
Kirk Soule, Clerk

[signatures continue on next page]

IN THE PRESENCE OF

*RH* Brian Howell

*R. Redick*  
Ronald M. Redick

TOWNSHIP OF CLAM LAKE

By: *Dale Rosser*  
Dale Rosser, Supervisor

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IN THE PRESENCE OF

TOWNSHIP OF CLAM LAKE

Sharon Johanson  
Sharon Zakrissek  
Gayla Finstrom  
Gayla Finstrom

~~XXXXXXXXXXXX~~

By: Delores Peterson  
Delores Peterson, Clerk

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**EXHIBIT A**

**LEGAL DESCRIPTION OF TRANSFERRED AREA**

Part of the North fractional 1/2 of Section 2 and the West 1/2 of the Northwest fractional 1/4 of Section 1, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan, more fully described as follows:

Beginning at the Northwest Corner of said Section 2; thence Easterly along the North line of said Section 2 to the North 1/4 Corner of said section; thence continuing Easterly along said North line of Section 2 to the Northeast Corner of said section; thence Easterly along the North line of said Section 1 to the Northeast Corner of said West 1/2 of the Northwest fractional 1/4 of Section 1; thence Southerly along the East line of said West 1/2 of the Northwest fractional 1/4 to the East – West 1/4 line of said Section 1; thence Westerly along said East – West 1/4 line to the 1/4 Corner common to said Sections 1 and 2; thence Westerly along the East – West 1/4 line of said Section 2 to the Center 1/4 Corner of said section; thence continuing Westerly along said East – West 1/4 line to the West right-of-way line of U.S. Highway 131; thence Northerly and Northwesterly along said right-of-way line to the South line of the North 836.10 feet of the Northwest fractional 1/4 of said Section 2; thence Westerly along said South line to the West line of said Section 2; thence Northerly along said West section line to the Point of Beginning.

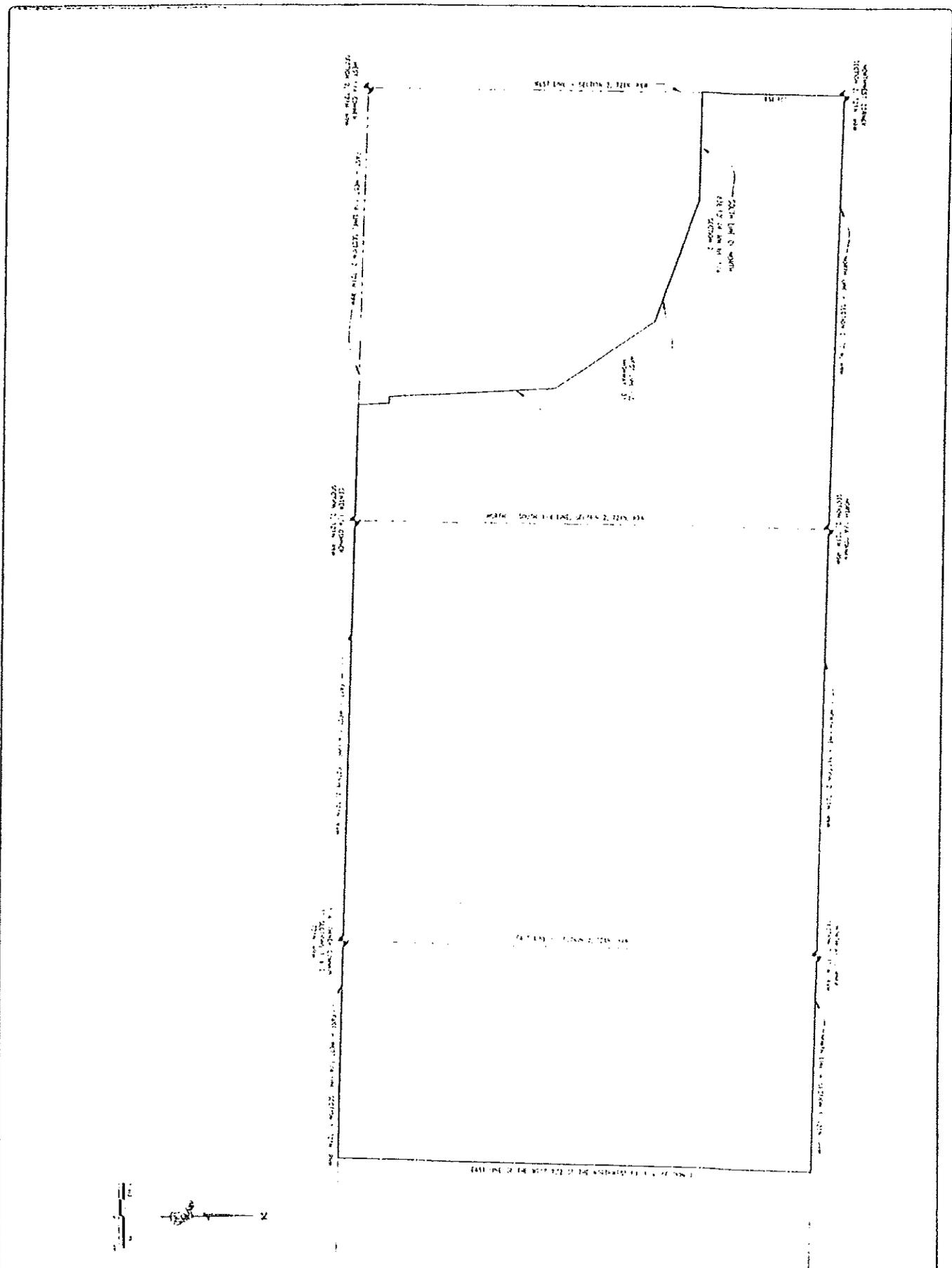
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**EXHIBIT B**  
**MAP OF TRANSFERRED AREA**  
**(next page)**

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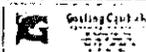
**"125" MAP**  
 Clear Lake Township  
 400 East Main Street, Clear Lake, CA 94503

Map No. 125  
 Date of Issue: 1912  
 Date of Revision: 1912

Scale: 1" = 400'  
 Contour Interval: 10'

Projection: UTM  
 Datum: NAD 83

Author: [Name]  
 Date: [Date]



Geologic Club of California  
 1000 Broadway, San Francisco, CA 94133  
 Phone: (415) 398-1234

**EXHIBIT C**

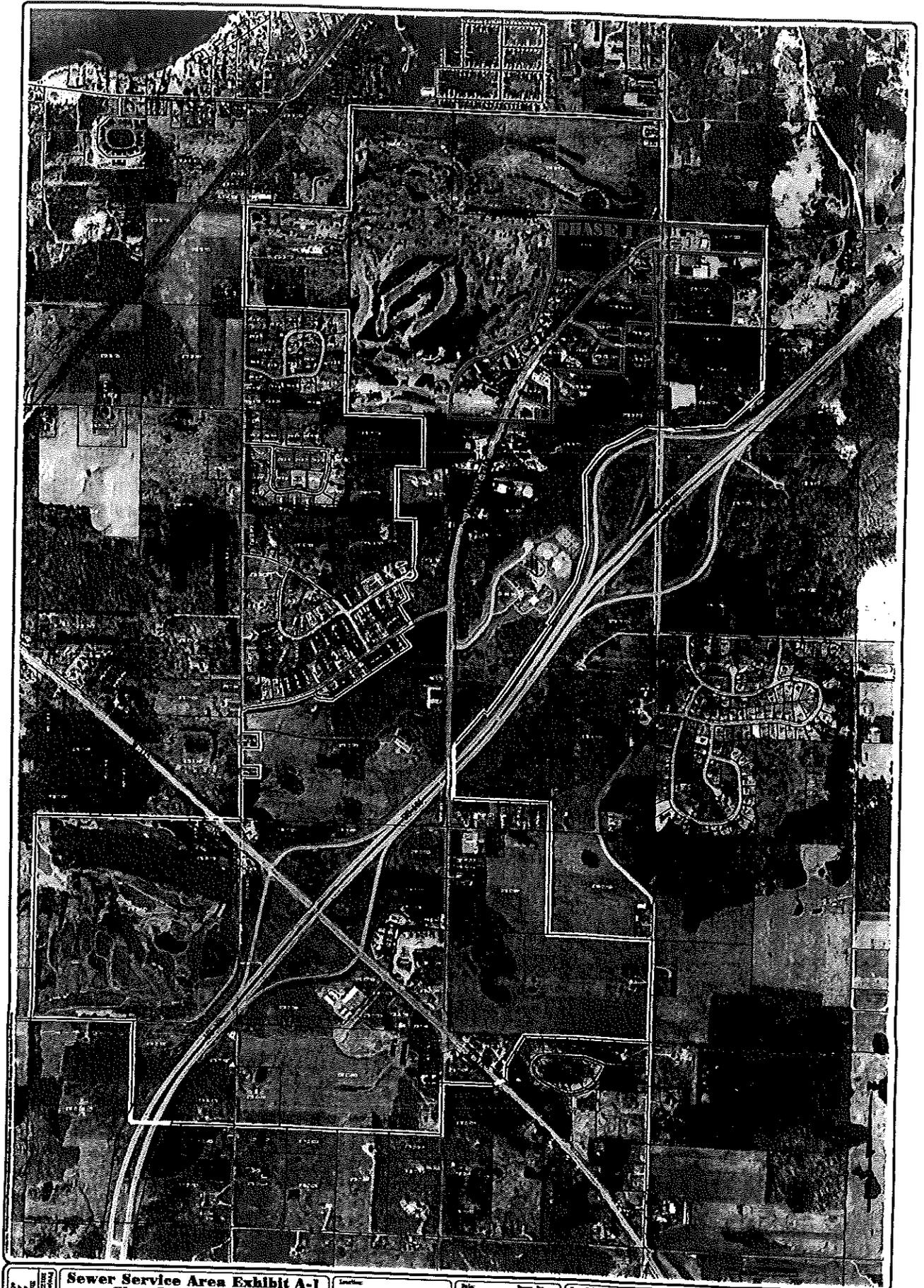
**MAP OF PHASE I OF THE CLAM LAKE DDA DISTRICT**

**(next page)**

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	<b>Sewer Service Area Exhibit A-1</b> <b>Clam Lake Township</b>	Location:	Date:	Drawn by:	No. Date:	Revision:	
		CLAM LAKE TOWNSHIP, WOOD COUNTY, WISCONSIN	02/11/2013	J1	Checked by:		
			Scale: 1" = 500'	SAC			

**EXHIBIT B-1**

RECEIVED  
MICHIGAN DEPT OF STATE  
2013 OCT 21 PM 1:24  
OFFICE OF THE GREAT SEAL

## FIRST AMENDMENT TO AGREEMENT FOR CONDITIONAL TRANSFER

This First Amendment to Agreement for Conditional Transfer (“Amended Agreement”) is entered into by and between the Charter Township of Haring, a Michigan charter township, 515 Bell Avenue, Cadillac, Michigan 49601 (hereinafter referred to as “Haring”) and the Township of Clam Lake, a Michigan general law township, 8809 East M-115, Cadillac, Michigan 49601-9786 (hereinafter referred to as “Clam Lake”), effective as of October 21, 2013.

WHEREAS, on May 8, 2013, Haring and Clam Lake approved an Agreement for Conditional Transfer (the “Agreement”), pursuant to Public Act 425 of 1984, MCL 124.21, *et seq.* (“Act 425”), providing for the conditional transfer of the lands described at Exhibit A (the “Transferred Area”) from Clam Lake to Haring;

WHEREAS, the Agreement became effective on June 10, 2013, following execution of the Agreement by the Supervisors and Clerks of Clam Lake and Haring, and upon the filing of the Agreement with the Wexford County Clerk and Secretary of State;

WHEREAS, Article I, Section 6.a.2 of the Agreement includes certain minimum PUD development regulations that may be applied to the undeveloped portion of the Transferred Area, upon application of the owners of the undeveloped portion of the Transferred Area;

WHEREAS, subsequent to June 10, 2013, Haring has undergone the legislative process of considering and approving an alternative version of the minimum PUD development regulations (Exhibit B), including consideration of the alternate version by the Planning Commission,

Red  
10/21/13  
10:55 AM  
Whitman

## FIRST AMENDMENT TO AGREEMENT FOR CONDITIONAL TRANSFER

This First Amendment to Agreement for Conditional Transfer ("Amended Agreement") is entered into by and between the Charter Township of Haring, a Michigan charter township, 515 Bell Avenue, Cadillac, Michigan 49601 (hereinafter referred to as "Haring") and the Township of Clam Lake, a Michigan general law township, 8809 East M-115, Cadillac, Michigan 49601-9786 (hereinafter referred to as "Clam Lake"), effective as of October 21, 2013.

WHEREAS, on May 8, 2013, Haring and Clam Lake approved an Agreement for Conditional Transfer (the "Agreement"), pursuant to Public Act 425 of 1984, MCL 124.21, *et seq.* ("Act 425"), providing for the conditional transfer of the lands described at Exhibit A (the "Transferred Area") from Clam Lake to Haring;

WHEREAS, the Agreement became effective on June 10, 2013, following execution of the Agreement by the Supervisors and Clerks of Clam Lake and Haring, and upon the filing of the Agreement with the Wexford County Clerk and Secretary of State;

WHEREAS, Article I, Section 6.a.2 of the Agreement includes certain minimum PUD development regulations that may be applied to the undeveloped portion of the Transferred Area, upon application of the owners of the undeveloped portion of the Transferred Area;

WHEREAS, subsequent to June 10, 2013, Haring has undergone the legislative process of considering and approving an alternative version of the minimum PUD development regulations (Exhibit B), including consideration of the alternate version by the Planning Commission,

conducting a Planning Commission public hearing on the alternate version on August 20, 2013, Planning Commission approval of the alternate version, approval of the alternate version by the Township Board, upon first reading, on August 26, 2013, and adoption of the alternate version by the Township Board, upon second reading, on September 9, 2013;

**WHEREAS**, Haring and Clam Lake desire to amend Article I, Section 6.a.2 of the Agreement by replacing the existing version of the minimum PUD development regulations with the alternate version of the minimum PUD development regulations (Exhibit B), as those regulations have been legislatively approved by the Haring Charter Township Board;

**WHEREAS**, pursuant to Act 425, the Township Board of Haring held a public hearing on September 9, 2013 regarding this Amended Agreement, notice of which was given in the manner required by law; and,

**WHEREAS**, pursuant to Act 425, the Township Board of Clam Lake held a public hearing on September 18, 2013 regarding this Amended Agreement, notice of which was given in the manner required by law; and,

**WHEREAS**, the Haring Charter Township Board and the Clam Lake Township Board have each decided, by majority vote of the members duly elected and serving on each respective body, to enter into this Amended Agreement, and have authorized their respective representatives to execute this Amended Agreement on their behalf.

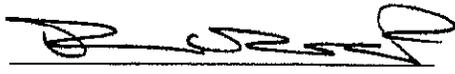
**NOW, THEREFORE**, it is hereby agreed as follows:

Section 1. Alternate Minimum PUD Development Regulations. Article I, Section 6.a.2 of the Agreement is hereby amended by deleting the minimum PUD development regulations stated therein, and by replacing them with the alternative version of minimum PUD development regulations included at Exhibit B of this Amended Agreement.

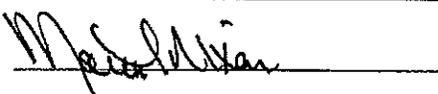
Section 2. Filing; Effective Date. In accordance with Act 425, this Amended Agreement shall be filed with the Wexford County Clerk and the Secretary of State Office of the Great Seal. The Amended Agreement shall become effective immediately upon such filing.

IN THE PRESENCE OF

CHARTER TOWNSHIP OF HARING

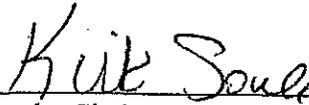


Ronald M. Redick



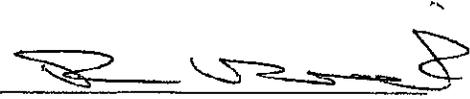
Maria Lynn Nixon

By:   
Robert Scarbrough, Supervisor

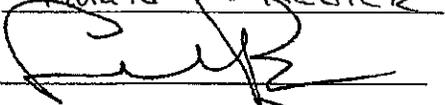
By:   
Kirk Soule, Clerk

[signatures continue on next page]

IN THE PRESENCE OF

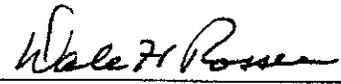


Ronald M. Redick

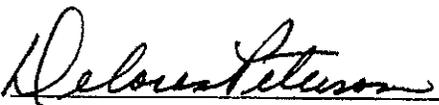


LARRY W PAYNE

TOWNSHIP OF CLAM LAKE

By: 

Dale Rosser, Supervisor

By: 

Delores Peterson, Clerk

## EXHIBIT A

### LEGAL DESCRIPTION OF TRANSFERRED AREA

Part of the North fractional 1/2 of Section 2 and the West 1/2 of the Northwest fractional 1/4 of Section 1, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan, more fully described as follows:

Beginning at the Northwest Corner of said Section 2; thence Easterly along the North line of said Section 2 to the North 1/4 Corner of said section; thence continuing Easterly along said North line of Section 2 to the Northeast Corner of said section; thence Easterly along the North line of said Section 1 to the Northeast Corner of said West 1/2 of the Northwest fractional 1/4 of Section 1; thence Southerly along the East line of said West 1/2 of the Northwest fractional 1/4 to the East – West 1/4 line of said Section 1; thence Westerly along said East – West 1/4 line to the 1/4 Corner common to said Sections 1 and 2; thence Westerly along the East – West 1/4 line of said Section 2 to the Center 1/4 Corner of said section; thence continuing Westerly along said East – West 1/4 line to the West right-of-way line of U.S. Highway 131; thence Northerly and Northwesterly along said right-of-way line to the South line of the North 836.10 feet of the Northwest fractional 1/4 of said Section 2; thence Westerly along said South line to the West line of said Section 2; thence Northerly along said West section line to the Point of Beginning.

**EXHIBIT B**

**ALTERNATE VERSION OF MINIMUM PUD DEVELOPMENT REGULATIONS**

**ORDINANCE NO. 13-\_\_  
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER  
TOWNSHIP OF HARING**

[Mixed-Use Commercial/Residential Planned Unit Development Regulations]

Section 1.     PUD District Regulation Table. Section 305 of the Zoning Ordinance of the Charter Township of Haring is hereby amended so as to amend the “PUD” Planned Unit Development District Regulation Table by the inclusion of item No. 4 under the heading “Uses Permitted By Right,” which shall read in its entirety as follows:

4.     Mixed-use commercial/residential PUDs may contain only those uses specified by Section 422.3(b).

Section 2.     Mixed-Use Commercial/Residential PUD Regulations. Chapter 4 of the Zoning Ordinance of the Charter Township of Haring is hereby amended by the addition of Section 422 thereto, which shall read in its entirety as follows:

**SECTION 422.     MIXED-USE COMMERCIAL/RESIDENTIAL PUDs**

1.     **Purpose.** The purposes of the regulations stated in this Section 422 are as follows:
  - a)     To allow for limited commercial development in areas where, because of the nearby presence of federal or state highways, or major thoroughfares, there is a demand for commercial use, but due to the close proximity of established residential areas, there is a need to ensure that the commercial development is designed and constructed in a manner that is protective of surrounding residential populations.
  - b)     To provide architectural and site design standards in order to promote harmonious development in the Township.
  - c)     To preserve woodlands, view sheds and other natural features within the Township, to the extent practicable.

2. **Findings.** The Township finds that the standards of this Section 422 are necessary to promote the health, safety and welfare of the Township and its residents, based on the following findings:

- a) Design standards are important safety and aesthetic considerations for the Township's future image and the citizens' quality of life.
- b) Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area.
- c) Commercial growth and development put an increased demand upon natural resources. The protection of natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the State of Michigan Constitution and the Michigan Environmental Protection Act of 1970, MCL 324.1701, *et seq.*

3. **Mixed-Use Commercial/Residential PUD Regulations.**

a) Mixed-use commercial/residential PUDs are permitted in the Township only in accordance with the provisions of this Section 422.

b) Permitted Uses. Uses that may be approved within a mixed-use commercial/residential PUD shall include the following:

- 1) Any use permitted by right in the "C" General Commercial Zoning District.
- 2) The following uses that are permitted by special land use in the "C" General Commercial Zoning District:
  - i) Churches and religious institutions.
  - ii) Veterinary clinics and kennels.
  - iii) Bars and nightclubs (not including "sexually oriented businesses").
- 3) Any use permitted by right or by special land use permit in the "R" Residential Zoning District, except that "transitional/shelter housing" shall not be permitted.

c) General Requirements.

- 1) Commercial uses shall comprise not more than 60% of the developed land area, exclusive of open space.
- 2) The density of development in the residential phase of the PUD shall not be more than 4 units/acre. Multifamily

buildings shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.

- 3) Commercial uses shall be physically separated from adjacent residential uses (both existing residential uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.
- 4) The development shall be served by public wastewater and public water supply systems.

d) Architecture

- 1) All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
- 2) The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.
- 3) Building designs shall be reviewed by the Planning Commission as a part of final plan review under the following criteria:
  - i) Commercial buildings shall possess architectural variety.
  - ii) Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area.
  - iii) For commercial buildings, a minimum of eighty percent (80%) of the exterior finish material of all

front building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.

- iv) Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
- v) Front building facades for commercial buildings shall provide a minimum 15% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area. The Planning Commission may allow a lower percentage of glass windows where it has been demonstrated that industry-recognized safety or security practices for the use being proposed mandate a lower percentage of glass windows.
- vi) Building materials and colors shall be related to and harmonious with the surrounding area.
- vii) Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.

- viii) Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.
- ix) Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.
- x) Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.
- xi) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
- xii) Commercial building rear facades shall be constructed to a finished quality that is comparable to the front facade where visible to a public street or residential district or use, but strict adherence to the percentage requirements for finish materials and window glass, as stated in subsections (iii) and (v), shall not be required. This subsection shall not apply to a building rear facade that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
- xiii) Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
- xiv) Exterior neon, LCD or LED lights (including such interior lights that are clearly visible from the exterior) are generally prohibited, except that they may be used only as architectural detail, they must be complementary to the overall design of the building, and they must be specifically found by the Planning Commission to be compatible with surrounding

properties. Such lighting shall be indicated on the building elevation and allowed only as part of site plan approval. The provisions of this subsection do not apply to small interior neon, LCD or LED signs that are used to communicate directional or operational information such as "exit", "open" and "closed."

- xv) The commercial portion of the mixed-use PUD shall complement the overall PUD plan and the commercial buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.
- xvi) Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.

e) Landscaping and Overall Site Design

Landscaping and design elements of the PUD plan shall comply with the following requirements:

- 1) Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.
- 2) The overall design shall promote the impression of a natural landscape.
- 3) Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
- 4) Retention, detention and the overall stormwater system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.
- 6) *Parking Lots.* The following landscaping requirements shall apply to parking lots:

- i) Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way (excepting the highway U.S.-131 right-of-way) shall have perimeter landscaping, between the parking lot and right-of-way, as follows:
  - A. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.
  - B. The landscaped area shall include at least one tree, measuring at least eight feet in height at the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.
  - C. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.
  
- ii) For parking lots of over 100 spaces or 30,000 square feet, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:
  - A. Traffic islands shall be located to improve traffic flow and views.
  - B. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.
  - C. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.

- D. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.
  - E. All interior landscaped areas of a parking lot shall be designed as "bio-retention" areas, to facilitate the treatment and ground absorption of stormwater runoff using a combination of microbial soil process, infiltration, evaporation, and appropriate plantings.
- 7) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact. This subsection shall not apply to a loading or service bay door that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
  - 8) Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced, that snow removal will be facilitated, or that there will be other beneficial improvements to the overall site design.
  - 9) *Outdoor Storage.* The following requirements shall apply to outdoor storage:
    - i) The outdoor display of items for sale, whether a few items or on a large-scale basis, such as motor vehicle sales establishments, shall be arranged in a neat and orderly fashion of rows and columns. All outdoor display items for sale shall be setback from the frontage road right-of-way so as to be located, at a minimum, inside of the greenbelt required by subsection (11), below, and a minimum of twenty (20) feet from any side property line.
    - ii) The outdoor storage of other items, such as vehicles, equipment and extra supplies, shall be performed by

placing the items in a fenced and screened area, to the side or rear of the principal building on the premises.

- 10) Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
- 11) A minimum 35 foot greenbelt is required along state highways and other major thoroughfares (excluding highway U.S.-131), as measured from the edge of the highway or road right-of-way. Said greenbelt shall be landscaped and planted in accordance with Section 422.3(e)(6)(i)B and C, except for approved driveways.
- 12) Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways and other major thoroughfares, excepting the highway U.S.-131 right-of-way.

f) Commercial Lighting

- 1) All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.
- 2) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.
- 3) No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

g) Other

The PUD plan for a mixed-use commercial/residential PUD shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of this Ordinance, as stated in Sections 401 through 420, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the regulations of this Section 422 are more stringent, the more stringent regulations shall apply.

Section 3. Site Plan Review; Landscape Maintenance. Section 206.3 of the Zoning

Ordinance of the Charter Township of Haring is hereby amended by the addition of subsection e)

thereto, which shall read in its entirety as follows:

- e) Whenever landscaping or a landscaping plan is required as part of site plan review for any use (including a planned unit development), it shall be a condition of approval that all landscaping plants shall be healthy when planted and thereafter maintained, in perpetuity, in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but not longer than one growing season.

**EXHIBIT B-2**

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
STATE BOUNDARY COMMISSION

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In the Matter of the Petition  
for Annexation of Territory  
in Clam Lake Township to the  
City of Cadillac in Wexford County

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Docket No. 13-AP-2

Dept. of Licensing & Regulatory Affairs  
**FILED**

MAR 17 2014 10 AP 0 2

STATE BOUNDARY COMMISSION

MOTION TO SUPPLEMENT THE RECORD, SUBMITTED BY CLAM LAKE  
TOWNSHIP AND HARING CHARTER TOWNSHIP

The Township of Clam Lake ("Clam Lake") and the Charter Township of Haring ("Haring") (collectively, the "Townships"), by and through their attorneys, Mika Meyers Beckett & Jones PLC, hereby submit this Motion to Supplement the Record, pursuant to Michigan Administrative Code Rule 123.43.<sup>1</sup> In support of this Motion, the Townships state as follows:

1. Subsequent to December 18, 2013, when the parties' 7-Day Submissions were required to be filed, the Townships further amended their Act 425 Agreement. *See Tab A (Second Amendment to Agreement for Conditional Transfer)* (hereafter, the "Second Amendment").

2. The Second Amendment was executed by the Townships on March 14, 2014, and was filed with the Wexford County Clerk and Secretary of State that same day, thus becoming effective on March 14, 2014.

3. The purpose of the Second Amendment is two-fold:

(a) It adds a savings/severability clause to Art. I, Sec. 6 of the Agreement ("Zoning and Building"), for the purpose of affirming and stating the Townships' express intent that,

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<sup>1</sup> Rule 123.34 authorizes the filing of a "memorandum brief on issues of fact or law, and such other pleadings as the commission may allow," up to seven (7) days prior to any Commission meeting on the docket.

in the event the zoning provisions of the Act 425 Agreement are deemed to be invalid or unenforceable, the remainder of the Act 425 Agreement shall remain binding and fully enforceable.

(b) It amends Art. I, Sec. 3 of the Agreement (“Economic Development Project”), to clarify that the mixed use, commercial/residential PUD project that is planned for the Transferred Area is to be designed and constructed in accordance with the recommendations of the *Cadillac Area Corridor Study*, which is a land-use planning document that was jointly prepared by the Townships and the City of Cadillac for the purpose of providing design concepts and standards that should be applied to future development occurring along the new US-131 interchanges, including at the M-55 interchange where Petitioners’ property is located.

4. The Townships have timely submitted the Second Amendment to the Boundary Commission, within one business day after it became effective.

5. The record in this matter should be supplemented to include the Second Amendment, so that the Boundary Commission is able to base its decision on a current and accurate version of the Townships’ Act 425 Agreement.

6. In addition, subsequent to December 18, 2013, when the parties’ 7-Day Submissions were required to be filed, Haring exercised its independent legislative authority by further amending the mixed use, commercial-residential planned unit development (“PUD”) regulations of the Haring Zoning Ordinance. *See Tab B* (“Amended PUD Regulations”).

7. The Amended PUD Regulations were adopted by the Haring Board on March 14, 2014, and will become effective on March 24, 2014, seven days following publication of the notice of adoption on March 17, 2014.

8. The Amended PUD Regulations reflect the following principal changes, as compared to the original version of the PUD regulations that were submitted to the Boundary Commission with the Townships' 30-Day and 7-Day submissions:

(a) New provisions have been added to more fully implement the recommendations of the *Cadillac Area Corridor Study*. The new provisions relate to the following matters: underground installation of utility/service lines; maximum building height; design requirements for large parking lots; requirements for the width and landscaping of greenbelts along state highways and other major thoroughfares; street lighting; signage; and, access management.

(b) The Haring Planning Commission and Township Board have been granted the discretion to permit anywhere from 50% to 65% of a development site to be comprised of commercial uses.

(c) The Haring Planning Commission and Township Board have been granted the discretion to allow a residential development density of up to eight units per acre.

(d) The architectural requirements for commercial buildings have been made somewhat less stringent, with regard to percentages of approved materials and glass that must be included on a front building façade.

(e) In direct response to Petitioners' concerns, provisions have been added regarding pylon (pole) signs.

9. The Townships have timely submitted the Amended PUD Regulations to the Boundary Commission, within one business day after the amendments were adopted by the Haring Board.

10. The record in this matter should be supplemented to include the Amended PUD Regulations, so that the Boundary Commission is able to base its decision on a current and accurate

version of the zoning regulations that can be applied to the Transferred Area, if Petitioners seek rezoning of their property to the Mixed Use, Commercial/Residential PUD District.

WHEREFORE, the Townships respectfully request that the Boundary Commission accept the Second Amendment and the Amended PUD Regulations for filing in this matter, and that the record be supplemented to include these documents.

Respectfully submitted,

MIKA MEYERS BECKETT & JONES PLC  
Attorneys for The Township of Clam Lake and The  
Charter Township of Haring

Dated: March 17, 2014

By:   
\_\_\_\_\_  
Ronald M. Redick (P61122)  
900 Monroe Avenue, NW  
Grand Rapids, MI 49503-1423  
(616) 632-8000

TAB A

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2014 MAR 14 PM 1:18  
OFFICE OF THE GREAT SEAL

## SECOND AMENDMENT TO AGREEMENT FOR CONDITIONAL TRANSFER

This Second Amendment to Agreement for Conditional Transfer (“Second Amended Agreement”) is entered into by and between the Charter Township of Haring, a Michigan charter township, 515 Bell Avenue, Cadillac, Michigan 49601 (hereinafter referred to as “Haring”) and the Township of Clam Lake, a Michigan general law township, 8809 East M-115, Cadillac, Michigan 49601-9786 (hereinafter referred to as “Clam Lake”), effective as of March 14, 2014.

WHEREAS, on May 8, 2013, Haring and Clam Lake approved an Agreement for Conditional Transfer (the “Agreement”), pursuant to Public Act 425 of 1984, MCL 124.21, *et seq.* (“Act 425”), providing for the conditional transfer of the lands described at Exhibit A (the “Transferred Area”) from Clam Lake to Haring;

WHEREAS, the Agreement became effective on June 10, 2013, following execution of the Agreement by the Supervisors and Clerks of Clam Lake and Haring, and upon the filing of the Agreement with the Wexford County Clerk and Secretary of State;

WHEREAS, Haring and Clam Lake subsequently approved a First Amendment to Agreement for Conditional Transfer (“Amended Agreement”) on September 9, 2013 and September 18, 2013, respectively, following public notice and public hearing, as required by law;

WHEREAS, the Amended Agreement became effective on October 21, 2013, following execution of the Agreement by the Supervisors and Clerks of Clam Lake and Haring, and upon the filing of the Amended Agreement with the Wexford County Clerk and Secretary of State;

red 3/14/14  
10:45  
AM  
UR

**SECOND AMENDMENT TO AGREEMENT FOR CONDITIONAL TRANSFER**

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WHEREAS, on May 8, 2013, Haring and Clam Lake approved an Agreement for Conditional Transfer (the "Agreement"), pursuant to Public Act 425 of 1984, MCL 124.21, *et seq.* ("Act 425"), providing for the conditional transfer of the lands described at Exhibit A (the "Transferred Area") from Clam Lake to Haring;

WHEREAS, the Agreement became effective on June 10, 2013, following execution of the Agreement by the Supervisors and Clerks of Clam Lake and Haring, and upon the filing of the Agreement with the Wexford County Clerk and Secretary of State;

WHEREAS, Haring and Clam Lake subsequently approved a First Amendment to Agreement for Conditional Transfer ("Amended Agreement") on September 9, 2013 and September 10, 2013, respectively, following public notice and public hearing, as required by law;

WHEREAS, the Amended Agreement became effective on October 21, 2013, following execution of the Agreement by the Supervisors and Clerks of Clam Lake and Haring, and upon the filing of the Amended Agreement with the Wexford County Clerk and Secretary of State;

WHEREAS, Haring and Clam Lake now desire to amend Article I, Sections 3 and 6 of the Amended Agreement to clarify that the zoning provisions of the Amended Agreement are intended to be severable, and to further clarify the nature of the economic development project that is planned for the undeveloped portion of the Transferred Area;

WHEREAS, pursuant to Act 425, the Township Board of Haring held a public hearing on February 10, 2014 regarding this Second Amended Agreement, notice of which was given in the manner required by law;

WHEREAS, pursuant to Act 425, the Township Board of Clam Lake held a public hearing on February 11, 2014 regarding this Second Amended Agreement, notice of which was given in the manner required by law; and,

WHEREAS, the Haring Charter Township Board and the Clam Lake Township Board have each decided, by majority vote of the members duly elected and serving on each respective body, to enter into this Second Amended Agreement, and have authorized their respective representatives to execute this Amended Agreement on their behalf.

NOW, THEREFORE, it is hereby agreed as follows:

Section 1. Economic Development Project. Article I, Section 3 of the Amended Agreement is hereby amended so that it reads in its entirety as follows:

**3. Economic Development Project**

The Transferred Area is currently used, in part, for existing residential housing, and the balance is currently undeveloped. The Transferred Area is proposed for the implementation of an economic development project under Act 425, with said economic development project consisting of two aspects, as follows: (a) the construction of a mixed-use, commercial/residential development that is designed and constructed in accordance with principles of planned unit development and the recommendations of the *Cadillac Area Corridor Study* (September 1999), in order to balance the property owners' desire for commercial use with the need to protect the interests of surrounding residential property owners; and, (b) the provision of public

wastewater services and public water supply services to the Transferred Area, so as to foster the new mixed-use, commercial/residential development and to provide for the protection of the environment, including, but not limited to, protection of ground water and surface water on and below the Transferred Area.

Section 2. Savings Clause/Severability. Article I, Section 6 of the Amended Agreement is hereby amended by the addition of subsection d thereto, which shall read in its entirety as follows:

d. *Savings/Severability Clause.* If a court or administrative agency of competent jurisdiction finds that the zoning provisions of this Section 6 are invalid for reason of constituting an unlawful infringement or restriction upon Haring's legislative zoning authority, then Haring and Clam Lake agree as follows:

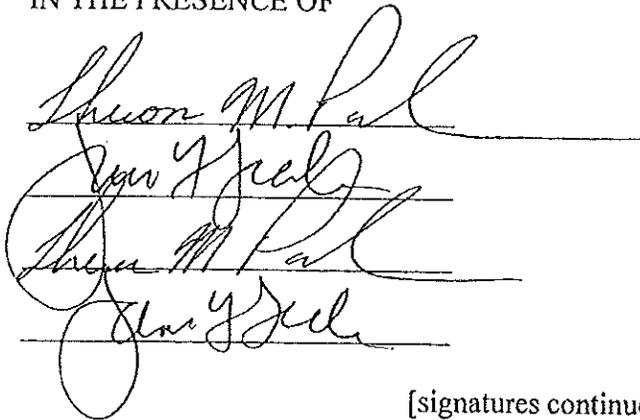
(i) Upon such a finding, Section 6 shall, automatically and without further action by the parties, be interpreted and applied as requiring only that Haring comply with Section 504(3) of the Michigan Zoning Enabling Act, MCL 125.3504(3), when Haring receives a request for approval of a mixed-used commercial/residential PUD on the undeveloped portion of the Transferred Area. The parties' intention is that Haring's compliance with said statute will promote the type of planned "economic development project" that is envisioned by Section 3 of this Agreement.

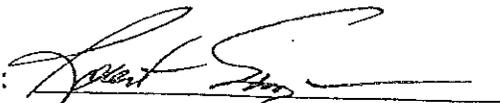
(ii) Such a finding shall not invalidate the other provisions of this Agreement, which shall remain binding and fully enforceable, in concert with Art. I, Section 6.d(i).

Section 3. Filing: Effective Date. In accordance with Act 425, this Second Amended Agreement shall be filed with the Wexford County Clerk and the Secretary of State Office of the Great Seal. The Second Amended Agreement shall become effective immediately upon such filing.

IN THE PRESENCE OF

CHARTER TOWNSHIP OF HARING

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By:   
Robert Scarbrough, Supervisor

By:   
Kirk Soule, Clerk

[signatures continue on next page]

IN THE PRESENCE OF

Jan 27 Sub  
Jessa Wade  
Jan 27 Sub  
Jessa Wade

TOWNSHIP OF CLAM LAKE

By: Dale H Rosser  
Dale Rosser, Supervisor

By: Delores Peterson  
Delores Peterson, Clerk

## EXHIBIT A

### LEGAL DESCRIPTION OF TRANSFERRED AREA

Part of the North fractional 1/2 of Section 2 and the West 1/2 of the Northwest fractional 1/4 of Section 1, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan, more fully described as follows:

Beginning at the Northwest Corner of said Section 2; thence Easterly along the North line of said Section 2 to the North 1/4 Corner of said section; thence continuing Easterly along said North line of Section 2 to the Northeast Corner of said section; thence Easterly along the North line of said Section 1 to the Northeast Corner of said West 1/2 of the Northwest fractional 1/4 of Section 1; thence Southerly along the East line of said West 1/2 of the Northwest fractional 1/4 to the East – West 1/4 line of said Section 1; thence Westerly along said East – West 1/4 line to the 1/4 Corner common to said Sections 1 and 2; thence Westerly along the East – West 1/4 line of said Section 2 to the Center 1/4 Corner of said section; thence continuing Westerly along said East – West 1/4 line to the West right-of-way line of U.S. Highway 131; thence Northerly and Northwesterly along said right-of-way line to the South line of the North 836.10 feet of the Northwest fractional 1/4 of said Section 2; thence Westerly along said South line to the West line of said Section 2; thence Northerly along said West section line to the Point of Beginning.

**TAB B**

**CHARTER TOWNSHIP OF HARING  
COUNTY OF WEXFORD, STATE OF MICHIGAN**

At a special meeting of the Township Board of the Charter Township of Haring, County of Wexford, Michigan, held at the Haring Charter Township Hall, 515 Bell Ave., Cadillac, Michigan, on the 14th of March, 2014, at 9:30 a.m. Local Time.

PRESENT: Members: Baldwin, Soule, Scarbrough, McCain, Wilkinson, Whetstone,  
Fagerman

ABSENT: Members: None

The following preamble and ordinance was offered by Member Whetstone and seconded by Member Fagerman.

WHEREAS, the Township Board previously adopted the mixed-use commercial/residential planned unit development ("PUD") regulations of Section 422 of the Zoning Ordinance for the purpose of implementing the recommendations of the *Cadillac Area Corridor Study* (September 1999), as those recommendations relate to design concepts and standards that should be applied to future development and redevelopment occurring along the new US-131 interchanges, including at the M-55 interchange;

WHEREAS, the Township Board has determined that it is advisable and in the best interests of the Township to amend the mixed-use commercial/residential PUD regulations so as to make those regulations more conforming with the recommendations of the *Cadillac Area Corridor Study*; and,

WHEREAS, the Township Board therefore approves and adopts the following version of the mixed-use commercial/residential PUD regulations, which are consistent with and which more fully implement the recommendations of the *Cadillac Area Corridor Study*.

ORDINANCE NO. 2014-91

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER  
TOWNSHIP OF HARING

[Mixed-Use Commercial/Residential Planned Unit Development Regulations]

Section 1.     Mixed-Use Commercial/Residential PUD Regulations. Section 422 of the Zoning Ordinance of the Charter Township of Haring is hereby amended so as to read in its entirety as follows:

**SECTION 422.     MIXED-USE COMMERCIAL/RESIDENTIAL PUDs**

1.     **Purpose.** The purposes of the regulations stated in this Section 422 are as follows:
  - a)     To allow for limited commercial development in areas where, because of the nearby presence of federal or state highways, or major thoroughfares, there is a demand for commercial use, but due to the close proximity of established residential areas, there is a need to ensure that the commercial development is designed and constructed in a manner that is protective of surrounding residential populations.
  - b)     To implement site design standards that are consistent with the recommendations of the *Cadillac Area Corridor Study* (September, 1999), which is a land-use planning document that was jointly prepared by Haring Charter Township, Clam Lake Township and the City of Cadillac, for the purpose of providing design concepts and standards that should be applied to future development and redevelopment occurring along the new US-131 interchanges, including at the M-55 interchange.
  - c)     To provide architectural and site design standards in order to promote harmonious development in the Township.
  - d)     To preserve woodlands, view sheds and other natural features within the Township, to the extent practicable.
2.     **Findings.** The Township finds that the standards of this Section 422 are necessary to promote the health, safety and welfare of the Township and its residents, based on the following findings:
  - a)     Design standards are important safety and aesthetic considerations for the Township's future image and the citizens' quality of life.
  - b)     Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area.

- 3) Commercial uses shall be physically separated from adjacent residential uses (both existing residential uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.
  - 4) The development shall be served by public wastewater and public water supply systems.
  - 5) Power, telephone lines and other utility/service lines shall installed underground on the development site.
- d) Architecture
- 1) All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
  - 2) The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.
  - 3) Building designs shall be reviewed by the Planning Commission as a part of final plan review under the following criteria:
    - i) Commercial buildings shall possess architectural variety.
    - ii) Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area. In addition, commercial buildings shall be no higher than surrounding, mature tree masses.
    - iii) For commercial buildings, a minimum of seventy-five percent (75%) of the exterior finish material of all front building facades (excluding the roof) visible

- c) Commercial growth and development put an increased demand upon natural resources. The protection of natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the State of Michigan Constitution and the Michigan Environmental Protection Act of 1970, MCL 324.1701, *et seq.*

3. **Mixed-Use Commercial/Residential PUD Regulations.**

- a) Mixed-use commercial/residential PUDs are permitted in the Township only in accordance with the provisions of this Section 422.
- b) Permitted Uses. Uses that may be approved within a mixed-use commercial/residential PUD shall include the following:

- 1) Any use permitted by right in the "C" General Commercial Zoning District.
- 2) The following uses that are permitted by special land use in the "C" General Commercial Zoning District:
  - i) Churches and religious institutions.
  - ii) Veterinary clinics and kennels.
  - iii) Bars and nightclubs (not including "sexually oriented businesses").
- 3) Any use permitted by right or by special land use permit in the "R" Residential Zoning District, except that "transitional/shelter housing" shall not be permitted.

- c) General Requirements.

- 1) Commercial uses shall comprise not more than 65% of the developed land area, exclusive of open space. Provided, however, that the Planning Commission or Township Board may require a lesser percentage (but not less than 50%) of commercial use on a particular development site, if it is determined that such lower percentage is necessary to protect surrounding residential populations, to ensure harmonious relationships with adjacent land uses, or to otherwise promote the purposes of this Section.
- 2) The density of development in the residential phase of the PUD shall not be more than eight (8) units/acre. Multifamily buildings shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.

from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.

- iv) Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty-five (25) percent of the facade may utilize other material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
- v) Front building facades for commercial buildings shall provide a minimum 20% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area. The Planning Commission may allow a lower percentage of glass windows where it has been demonstrated that industry-recognized safety or security practices for the use being proposed mandate a lower percentage of glass windows.
- vi) Building materials and colors shall be related to and harmonious with the surrounding area.
- vii) Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.
- viii) Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.

- ix) Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.
- x) Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.
- xi) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
- xii) Commercial building rear facades shall be constructed to a finished quality that is comparable to the front facade where visible to a public street or residential district or use, but strict adherence to the percentage requirements for finish materials and window glass, as stated in subsections (iii) and (v), shall not be required. This subsection shall not apply to a building rear facade that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
- xiii) Overhead canopies or similar structures, when allowed, shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
- xiv) Exterior neon, LCD or LED lights (including such interior lights that are clearly visible from the exterior) are generally prohibited, except that they may be used only as architectural detail, they must be complementary to the overall design of the building, and they must be specifically found by the Planning Commission to be compatible with surrounding properties. Such lighting shall be indicated on the building elevation and allowed only as part of site plan approval. The provisions of this subsection do not apply to small interior neon, LCD or LED signs that are used to communicate directional or

operational information such as "exit", "open" and "closed."

xv) The commercial portion of the mixed-use PUD shall complement the overall PUD plan and the commercial buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.

xvi) Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.

e) Landscaping and Overall Site Design

Landscaping and design elements of the PUD plan shall comply with the following requirements:

- 1) Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.
- 2) The overall design shall promote the impression of a natural landscape.
- 3) Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
- 4) Retention, detention and the overall stormwater system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

5) *Parking Lots*. The following landscaping requirements shall apply to parking lots:

- i) Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way (excepting the highway U.S.-131 right-of-way) shall have perimeter landscaping, between the parking lot and right-of-way, as follows:

- A. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.
  - B. The landscaped area shall include at least one tree, measuring at least eight feet in height at the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.
  - C. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.
- ii) For parking lots of over 50 spaces, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:
- A. Traffic islands shall be located to improve traffic flow and views.
  - B. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.
  - C. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.
  - D. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.
  - E. All interior landscaped areas of a parking lot shall be designed as "bio-retention" areas, to facilitate the treatment and ground absorption of stormwater runoff using a combination of

microbial soil process, infiltration, evaporation, and appropriate plantings.

- iii) The Planning Commission or Township Board may modify or waive some or all of the requirements of this subsection 5, if it is determined that the goals and objectives of this Section would be better served by alternative requirements for parking lot screening or interior parking lot landscaping.
- 6) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact. This subsection shall not apply to a loading or service bay door that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
  - 7) Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced, that snow removal will be facilitated, or that there will be other beneficial improvements to the overall site design.
  - 8) *Outdoor Storage.* The following requirements shall apply to outdoor storage:
    - i) The outdoor display of items for sale, whether a few items or on a large-scale basis, such as motor vehicle sales establishments, shall be arranged in a neat and orderly fashion of rows and columns. All outdoor display items for sale shall be setback from the frontage road right-of-way so as to be located, at a minimum, inside of the greenbelt required by subsection (10), below, and a minimum of twenty (20) feet from any side property line.
    - ii) The outdoor storage of other items, such as vehicles, equipment and extra supplies, shall be performed by placing the items in a fenced and screened area, to the side or rear of the principal building on the premises.
  - 9) Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or

dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.

- 10) A minimum 30 foot greenbelt is required along state highways and other major thoroughfares (excluding highway U.S.-131), as measured from the edge of the highway or road right-of-way. Said greenbelt shall be landscaped and planted in accordance with Section 422.3(e)(5)(i)B and C (excluding approved driveways), except that:
  - i) The spacing of the required trees may be increased to one tree for every 50 feet, or fraction thereof, of street frontage; and,
  - ii) A cluster of three (3) trees may be substituted for each individual tree location, and if this is done, the trees in each cluster shall measure at least six feet in height at the time of planting.
- 11) Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways and other major thoroughfares, excepting the highway U.S.-131 right-of-way.

f) Commercial Lighting

- 1) All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.
- 2) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.
- 3) The use of wood poles for street lighting is prohibited. All street lights shall be mounted on fabricated metal or cement poles that are painted a dark-hued, non-reflective color. Poles with a fluted or other unique design may be approved.
- 4) No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

g) Signage

- 1) Billboards are prohibited within a mixed-use commercial/residential PUD.

- 2) Pylon signs (also known as pole signs) shall generally be prohibited; provided, however, that the Planning Commission may, in its discretion, allow a pylon sign on a development site, based on consideration of the following factors:
  - i) Location of the sign on the development site;
  - ii) The size, height and other dimensions of the sign;
  - iii) The presence of scenic vistas that might be diminished by the sign;
  - iv) The proximity of the sign to residential uses and/or residentially-zoned areas; and,
  - v) Other similar factors that the Planning Commission considers to be relevant in evaluating the compatibility of the sign with surrounding land uses.
  
- 3) Where a freestanding sign is approved, it shall be a ground sign (also known as a monument sign). If a monument sign is permitted, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base.
  
- h) Access Management Standards. Access points shall meet the following standards. These standards are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by the MDOT.
  - 1) Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.
  - 2) An additional driveway may be permitted by the Planning Commission upon finding the conditions i and ii, or iii and iv, below, exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
    - i) The site has a frontage of at least 300 feet and the spacing standards between access points listed below are met; and,
    - ii) The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.  
Or;

- iii) A traffic impact study demonstrates that the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000, respectively, if the site has access to a traffic signal; and,
  - iv) The study demonstrates the additional driveway will improve conditions for the motoring public and will not create negative impacts on through traffic flow.
- 3) Access points shall provide the following minimum spacing from the other access points along the same side of the public street (measured from centerline to centerline), based on the posted speed along the public street segment:

<u>Posted Speed Limit</u>	<u>Spacing*</u>
35 mph or less	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

\* Greater spacing may be required by the MDOT or Wexford County Road Commission, as applicable.

- 4) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- 5) Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission or Township Board may reduce this to not less than 150 feet where each of the opposing access points generate less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist.
- 6) Minimum spacing of access points from intersections shall be in accordance with the table below (measured from nearest pavement edge to nearest pavement edge):
  - i) Signalized locations: 200 feet
  - ii) Un-signalized locations: 150 feet
- 7) Where direct access consistent with the various standards above cannot be achieved, access should be via a shared

- 7) Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission or Township Board may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress. When required, frontage roads or service drives shall be constructed in accordance with the following standards:
- i) Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty- five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
  - ii) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).
  - iii) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.
- 8) Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
- 9) No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

i) Other

The PUD plan for a mixed-use commercial/residential PUD shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of this Ordinance, as stated in Sections 401 through 420, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the regulations of this Section 422 are more stringent, the more stringent regulations shall apply.

Section 2. Publication/Effective Date. A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township within 15 days after adoption. This Ordinance shall become effective seven days after such publication.

AYES : All present  
NAYS: None  
ABSENT: None

ORDINANCE DECLARED ADOPTED.

  
\_\_\_\_\_  
Robert Scarbrough  
Township Supervisor

  
\_\_\_\_\_  
Kirk Soule  
Township Clerk

First reading: 03/10/14  
Second reading: 03/14/14  
Ordinance becomes effective: 03/24/14

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF WEXFORD    )

**CERTIFICATION**

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Haring, Wexford County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at meeting on March 14, 2014, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1986, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the 14 day of March, 2014.

Kirk Soule  
Kirk Soule  
Township Clerk

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
STATE BOUNDARY COMMISSION

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In the Matter of the Petition  
for Annexation of Territory  
in Clam Lake Township to the  
City of Cadillac in Wexford County

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Docket No. 13-AP-2

**PROOF OF SERVICE**

I, Marcy L. Link, hereby state that I am an employee in the law firm of Mika Meyers Beckett & Jones PLC, and that on March 17, 2014 served a copy of the following documents:

**Motion to Supplement the Record, Submitted by Clam Lake Township and  
Haring Charter Township**

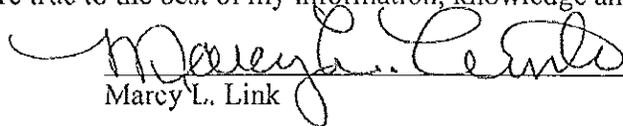
upon the following individuals by e-mail at the address indicated:

Michael D. Homier  
E-mail: mhomier@fosterswift.com

Randall W. Kraker  
E-mail: rwraker@varnumlaw.com

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: March 17, 2014

  
\_\_\_\_\_  
Marcy L. Link

# EXHIBIT C



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

**STATE BOUNDARY COMMISSION**

Meeting Location:  
2501 Woodlake Circle - Conference Room 3/First Floor  
Okemos, Michigan 48864

**MINUTES**  
April 16, 2014

**WEXFORD COUNTY**  
**DOCKET #13-AP-2**

**MEMBERS PRESENT**

Mr. Dennis Schornack, Chairman  
Mr. David Doyle, State Commissioner  
Mr. James Stewart, State Commissioner  
Mr. Edward Van Alst, Local Commissioner  
Mr. Steven Cross, Local Commissioner

**DEPARTMENT PERSONNEL ATTENDING**

Mr. Kevin O'Brien, P.S., Office of Land Survey and Remonumentation  
Mrs. Angela Sanderson, Secretary for the Office of Land Survey and Remonumentation  
Mr. Chris Beland, Director, Office of Land Survey and Remonumentation  
Mr. Patrick Fitzgerald, Deputy Assistant Attorney General

**OTHERS IN ATTENDANCE**

Mr. Randall Kraker, Attorney for the Petitioner  
Mr. Michael Homier, Attorney for the City of Cadillac  
Mr. Ron Redick, Attorney for Charter Township of Haring and Clam Lake Township  
Mr. Dale Rosser, Clam Lake Township Supervisor  
Mr. Marcus Peccia, City Manager for the City of Cadillac  
Mr. Arthur Stevens, Mayor Pro-Tem for the City of Cadillac

**1. CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairman Schornack called the meeting to order at approximately 3:10 p.m. and read the Opening Statement. A quorum was determined present at that time.

*Providing for Michigan's Safety in the Built Environment*

2. **APPROVAL OF AGENDA**

A **MOTION** was made by Commissioner Doyle and seconded by Commissioner Van Alst to approve the agenda for the meeting. **MOTION CARRIED UNANIMOUSLY.**

3. **APPROVAL OF DRAFT MINUTES**

A **MOTION** was made by Commissioner Doyle and seconded by Commissioner Van Alst to approve the draft minutes for Wexford County from the August 13, 2013 meeting on Docket 13-AP-2. **MOTION CARRIED UNANIMOUSLY.**

4. **ADJUDICATIVE SESSION**

a. **Docket Activity:**

Chairman Schornack asked petitioner and parties to please be brief in their comments and to leave time for commission discussion.

Mr. Kevin O'Brien, Office of Land Survey and Remonumentation, recapped the docket activity to date.

b. **Involved Parties:**

Mr. Randall Kraker, Attorney for the Petitioner, talked about the location of the property and how perfect it is for commercial development. He said his clients have been trying to develop this parcel for 7 years. He said that the petitioner has the only developable vacant property within the 425 Conditional Transfer area, yet the developers did not request and were not contacted prior to the signing and filing of this agreement. Mr. Kraker discussed how he feels the 425 Conditional Transfer was rushed through to deprive the commission of their statutory jurisdiction to decide the merits of the annexation and to impede the economic development of this property. He stated that the commission had already made a decision to reject a 425 Conditional Transfer in this matter once previously, and he feels that nothing has changed. That this agreement, similar to the agreement rejected by the Boundary Commission in the Casco Twp. case, has no specific economic development project as a subject of the agreement. He went on to say that this agreement has page after page of zoning restrictions, and that 1984 PA 425 was adopted by the legislature so that townships could cooperate in and foster the development of a specific identified project, not to create a set of restrictions to impede development. He referred to emails between officials of Clam Lake Township, the Charter Township of Haring and area residents that make clear that the intention of the 425 Conditional Transfer was to avoid annexation to the City of Cadillac. He referred to cost studies to provide the needed water and sewer services from the Charter Township of Haring through the 425 Conditional Transfer and said that the capitol costs alone are at least a million and a quarter dollars higher than getting the services from the City of Cadillac and that the services from the City would be available immediately. He

went on stating that the 425 Conditional Transfer was rushed through so that it would be ready before Teri-Dee filed the petition, and that this agreement, as well as the previous 425 Conditional Transfer, are both “shams.” Mr Kraker closed by saying that the annexation should be approved because it meets several of the criteria in the SBC Act, especially the “present cost and adequacy of governmental services in the area” and “the practicability of supplying such services in the area.” He also pointed out that the criteria to be considered in the SBC Act and 1984 PA 425 are identical and that Clam Lake Township has, by their action of attempting to transfer the property to the Charter Township of Haring without any revenue sharing, agreed that this annexation meets the necessary criteria.

Mr. Mike Homier, City of Cadillac Attorney, talked about the “damning” emails from the townships, how they stated at the public hearing that there were no such emails and that twice now the Townships have supplemented this record and not once did they disclose to this commission the existence of these emails. He referred to specific emails from Mr. George Giftos, a member of the Charter Township of Haring’s Planning Commission, to a group of people including the Township Supervisors. He quoted one email from Mr. Giftos, regarding the zoning restrictions in the 425 Conditional Transfer, “these restrictions are so restrictive that no one will ever locate there.” He referred to another email from Mr. Giftos to the Clam Lake and Haring Township Supervisors saying “We’re gonna fight the good fight and continue to oppose any commercial development on the TeriDee property.” Mr. Homier said these emails are not honest, they aren’t saying the 425 Conditional Transfer is good for the township and we want to develop this property – they are saying we don’t want it here, and this 425 Conditional Transfer is designed around that concept. The emails were concealed from this commission, these townships have no credibility in relation to these emails – it’s a fabrication. He said one thing particularly disturbing that they discovered in the emails is an email from Probate Judge Tacoma who appointed the local members to the Boundary Commission. He said he suspects that Local Commissioner Van Alst regularly appears before Judge Tacoma in his legal practice, which he sees as a conflict of interest. He said this is an area in desperate need of jobs and this project would create jobs and the city has the means to provide utilities to it. He closed saying this annexation is good for the area and the community.

Mr. Arthur Stevens, Mayor Pro-Tem for the City of Cadillac, said that he takes some responsibility in what led to the “email campaign” because he had been “too transparent and open” and had told Clam Lake Township that TeriDee was considering filing an annexation petition with the Boundary Commission. He now realizes that after he shared that information, it resulted in the emails and the effort of a 425 Conditional Transfer being designed quietly, privately, and quickly without the involvement of the developers. The City of Cadillac has approved a resolution supporting the annexation of this area and they feel they have the capacity to service the project after the developers go through the process with the proper committees to get approval. The City thinks that they need to involve the business owner in the process. This is something that will help the area with jobs. He shared a concern that this 425 Conditional Transfer could be used

as an example throughout Michigan as a way to stop development along municipal boundaries. He closed by asking on behalf of the City of Cadillac that the commission consider the annexation request and deny the 425 Conditional Transfer.

Mr. Marcus Peccia, City Manager for the City of Cadillac, stated that the intersection of this property is closest to the city's population base and its urban core. This annexation itself would be the best way to facilitate the most rapid commercial development. The City has a strong industrial base, but they need this type of commercial development to continue to support growth and supply jobs to the community. He said this development could bring anywhere from 500-1000 jobs where the unemployment rate is still very high. Even a couple hundred jobs would make a huge difference in this community. He said the City of Cadillac needs and supports this development; they have on file a resolution for support of the petition for annexation. He said they are ready to provide the needed infrastructure immediately. He closed asking that the commission consider approving the petition.

Mr. Ron Redick, Attorney for the Charter Township of Haring and Clam Lake Township, referred to the question of whether the township agreement is interfering with the annexation. He said it has to interfere because the legislature says that when a contract is in effect covering the land, annexation shall not take place over those lands. He said the legislature who created the Boundary Commission has a ban on annexations where a valid 425 Conditional Transfer is in effect. He talked about the role of judges and the standards to which they are held and their decisions are made. He requested that the commission be very mindful of its limited jurisdiction. He said there is no support in the law for the Commission to weigh a 425 Conditional Transfer against economic development. He said he agrees that the location is very important to the Commission's decision. The property is located entirely in the township, separated from the city by nearly ½ mile due to the width of the interchange. He said the Property has no connection to the city and that everything that surrounds it is Township jurisdiction. Mr. Redick went on to address the emails and said that there were zero emails going back and forth between the two townships, only from members of the neighborhood who have no decision making ability, except for Mr. Giftos who has nothing to do with the 425 Conditional Transfer. He said that the Township Board cannot control the emails they receive, and that the only response made was from Clam Lake Supervisor Dale Rosser saying "I have nothing to say, we are exploring our options." He closed saying the neighborhood does not want the development, so of course they were sending emails trying to oppose it.

Mr. Dale Rosser, Clam Lake Township Supervisor, said that their primary goals in entering into the 425 Conditional Transfer were first to create a cooperative sharing environment in order to obtain public water and sewer services for the Clam Lake Township Downtown Development Authority district (DDA) which is south of this site. Clam Lake Township was in negotiation with the City of Cadillac but the negotiations were not fruitful, so this 425 Conditional Transfer with Haring is another source for public services to the DDA. Secondly, the agreement was to ensure that any

development in that neighborhood would be subject to adequate zoning to protect the surrounding residential neighborhoods. He addressed the emails saying they were not forwarded to anyone, nor was the content shared with the Township Boards, and they didn't influence his thinking or decision making in this matter.

Commissioner Stewart asked Mr. Homier to respond to Mr. Redick's comments about the emails. Mr. Homier said that Mr. Redick had the facts wrong. Mr. Giftos was the "central hub" of the emails and that he included the Clam Lake and Haring Township Supervisors in his emails. He read in part from one of the emails from Mr. Giftos stating that the reason the Boundary Commission rejected the previous 425 Conditional Transfer was that it was seen as a ploy because it was filed after the annexation petition was filed with the Commission and if it was filed before the annexation petition than that would take away that argument. Mr. Homier went on to say that there is not one email from the Township Supervisors saying "stop sending me these emails." He said that Mr. Rosser is on every email including the one from Judge Tacoma. He continued saying that there is no credibility in their statements because they denied there were any emails at all, and even after they knew about the emails they did not update the record to reflect them.

Commissioner Val Alst asked Mr. Redick about contingencies in the 425 Conditional Transfer regarding whether Clam Lake Township was to pay for extension of water and sewer services that is contingent on treatment plant capacity and Clam Lake Township's passing of a resolution requesting construction of the infrastructure. He said the agreement had been amended twice and asked if those contingencies had been changed or resolved in any way.

Mr. Redick, responded saying not by way of amendment, but that some of them had been satisfied. The contingency of capacity has been satisfied. He said the Townships' resolutions are part of the 30-day submittals and both Boards passed concurrent resolutions authorizing the construction of water and sewer from Haring Township's infrastructure to the transferred area. He said that Clam Lake Township wants the services there and is telling Haring Township they want services, and Haring Township is saying that they will provide it.

Mr. Kraker asserted that there is a resolution by Clam Lake Township that if there is going to be a provision of service, they are not going to pay for it and the developer will pay for everything.

**c. Commission Discussion**

A **MOTION** was made by Commissioner Stewart and Seconded by Commissioner Doyle that the Commission recommend to the Director that the 425 Conditional Transfer between the Charter Township of Haring and Clam Lake Township is invalid and does not bar the Commission from processing this annexation petition #13-AP-2.

**Discussion on the Motion Ensued.**

Commissioner Stewart stated that he had three issues with the 425 Conditional Transfer. First he feels the timeline is almost illogical on the filing of the new 425 Conditional Transfer. The Township's had ample time to negotiate a new 425 Conditional Transfer after the Commission's previous rejection yet nothing happened until they heard that a new annexation petition was pending. Second, he said it bothered him that there is no project on the horizon and nothing produced from a developer that's ready to go with a project under the Townships' agreement. Thirdly, the emails are an issue because the tone appears that the agreement is for the purpose of barring the annexation petition. He said if he was receiving these he would respond by making clear that the agreement isn't being done to bar the annexation, but to promote an economic development project.

Chairman Schornack stated that the whole purpose of a valid 425 Conditional Transfer is to promote and not thwart economic development. He feels history in this case is not irrelevant. These are the same people and property that were involved in the previous case. He said he does not feel this agreement is any different from the last agreement and feels they are both "shams." He cited the following evidence to support his determination: There is no revenue sharing and no benefit to Clam Lake Township under this agreement other than protection from annexation to Cadillac. He said that the zoning requirements in this agreement are unusual, very detailed, expensive and unnecessary and are intended to thwart development. The developer has to pay the up-front capital costs for the water and sewer services. Neither Township is required to perform under the 425 Conditional Transfer so Haring Township would have sole discretion whether to provide water and sewer services even if Clam Lake Township asked them to.

Commissioner Doyle agreed that the 425 Conditional Transfer was designed to thwart economic development and feels that it should be deemed invalid.

Commissioner Cross had no comment.

Commissioner Van Alst shared the differences he felt that there were between the last agreement and this one. He said that the one distinction between the last time and this time is that Clam Lake Township is giving everything this time in terms of revenue to Haring which is different than the Casco v SBC case where Casco Township did not transfer any governmental functions to the local unit to which the area was to be transferred. He said Clam Lake Township does not have its own zoning ordinance – it relies on Wexford County. Clam Lake does not have control of the zoning, but the Charter Township of Haring and the City of Cadillac have control over theirs, so Clam Lake is trying to get either one of those to do the zoning which is why Clam Lake wants this Agreement. He said all the land use plans say that this area should be kept as green space. He said that all zoning impedes development, that's why it's there and that's what they are doing with this agreement. He believes there is a requirement to perform and provide services in this agreement. He said he has now changed his opinion of this

agreement and does not think it is a sham and feels that it might be valid. When the previous case was decided the Haring Township wastewater treatment plant was more speculative, now they have financing, permits and have awarded construction bids for the treatment plant. He went on to say that the conditions to provide services from Haring Township are “not as speculative as they were before.”

Commissioner Schornack asked why the Township’s didn’t go to the petitioner, as the owner of the property, and ask for their input on the proposed 425 Conditional Transfer. He read several of the statutory criteria in the SBC Act and 1984 PA 425 and he felt that the water and sewer services would be of higher quality and cheaper from the City than from Haring Township due to the distance and the need of easements from Haring’s current infrastructure.

**MOTION CARRIED 4-1; with Commissioner Van Alst Opposed.**

A **MOTION** was made by Commissioner Doyle and Seconded by Commissioner Stewart that the Commission recommend to the Director that the petition for the annexation of land in Clam Lake Township to the City of Cadillac Docket #13-AP-2 be approved.

**Discussion on the Motion Ensued.**

Commissioner Doyle said that he felt that the petitioners have met the legal criteria and therefore feels the petition should be supported.

Commissioner Van Alst talked about how this will adversely affect the local and county land use plans regarding this property, which is a criterion in the SBC Act for the Commission to consider. He said that the residents and local governments in this area, in his opinion, do not want commercial development on this property. He said that it’s important to area residents that the area stay the way it is (green) and not commercial.

Commissioner Stewart stated that the statute requires the petitioner to address the criteria and he feels like they have addressed most, if not all, of them. He specifically cited the criterion of “past and probable future urban growth, including population increase and business, commercial and industrial development in the area.” He thinks the petition should be approved as presented. He said that he hopes that if the petition is approved that there will be consideration given to the effect on the downtown businesses and hopefully there will be interaction with the residents to minimize any adverse impact there might be.

Discussion Ensued.

**MOTION CARRIED 4-1; with Commissioner Van Alst Opposed.**

5. ADJOURNMENT

**MOTION** was made by Chairman Doyle and Seconded by Commissioner Van Alst to adjourn the session on Wexford County. **MOTION CARRIED UNANIMOUSLY.** Meeting adjourned at approximately 4:30 p.m.

APPROVED:

  
\_\_\_\_\_  
Dennis Schornack, Chairman  
State Boundary Commission

  
\_\_\_\_\_  
Date

# **EXHIBIT D**

From: "George Giftos" <gcgiftos@me.com>  
 To: "Coe-Vokes Carol" <advancerealty@bignorth.net>, "Karen & David Renaud" <drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Carol Marcusse" <csmarcusse@charter.net>, "Bob Scarbrough" <supervisor@twpofharing.org>, "Carol Carlson" <greybaby2007@yahoo.com>, "Jim Lawrence" <jwirnce@yahoo.com>, "Cathy Tacoma" <cathytacoma@hotmail.com>, "Marty Hudgins" <mhudgins3@yahoo.com>, "Dick Loughmiller" <mardic@charter.net>, "Sandy Deming" <sandydeming@att.net>, "Nancy Denison" <nden1@lssm.org>, "Ken Tacoma" <KennethTacoma@Hotmail.com>, "Larry Luhtanen" <lluhtane@yahoo.com>, "Randy & Deb Heeres" <rdheeres@charter.net>, "Hubb Hubb" <l\_hubb@yahoo.com>, "Dale Rosser" <DHRosser@charter.net>, "Helen Kay Quinn" <hkquinn@hotmail.com>, "Bill & Jan Lucas" <bjluc@prodigy.net>, "Dale & JoEllen Voice" <dvoice47@hotmail.com>, "Ross & Teri Meyering" <rmeyering@charter.net>, "Melissa Holmes" <mjc-h7@charter.net>, "Charles & Marcia Wilson" <cmwilson2@charter.net>, "Marybeth" <marybeth49601@yahoo.com>, "Keith Vanderwal" <kvav20@hotmail.com>, "Mike & Kathy Lueder" <MKLueder@CharterMI.net>, "Al Meyer" <ameyervet@gmail.com>, "Anton Colasacco" <acolasacco@chartermi.net>, "Vokes Vokes" <edvokes@att.net>, "Joe & Tina Piotrowski" <sheddman@msn.com>, "Nate & Peg Swiger" <pnswiger@hotmail.com>, "Richard Craig" <rdcraig101@yahoo.com>, "Bruce Conradson" <bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
 Date: 02/21/2013 08:17:11 EST  
 Subject: **New threat on the horizon.....**

We are approaching spring and as in past years, we have a new issue to contend with. The Wexford County Commissioners voted last night to investigate the possibility of eliminating county-wide zoning and letting the issue of zoning fall on the individual townships. This is part of an effort to reduce the county budget, but it poses a problem. I was on the committee which developed the county master plan. As a member of Haring Township's Planning Commission, I was also involved in updating the Haring Township Master Plan. Haring used the Wexford County plan as a model and added more detail. Currently, Clam Lake Township has no master plan of its own to control zoning within that township. We have two options as I see it. We have to convince the county that they should not do away with county zoning or suggest that Clam Lake Twp develop their own master plan. The latter might include the county phasing out zoning on a schedule which would allow the townships the time to implement their own master plans.

If the County Commissioners eliminate zoning immediately, I believe that Terri-Dee would have the ability to begin their development.

Developing a master plan, even using the county master plan as a template does take time. It took us (Haring) over a year to complete the task meeting over a dozen times throughout that year. I would think that a township emergency plan could be developed much quicker and then tweaked to achieve the desired final results in the future.

The biggest advantage to having a county master plan is the continuity which results. In other words, if the zoning is left to the townships, the result could be conflicting development of the lands at the township borders. That would be the case in our situation. We have a residential community in our area and the county has the land in question zoned residential and forest rec. Lack of zoning would result in commercial contiguous to residential....not what we desire. The county plan looks at the larger picture and protects against this.

The elimination of county zoning does appear (IMHO) to be a step backwards. We need to come up with a plan to encourage the county to continue zoning, and a back-up plan to encourage Clam Lake TWP to develop their own master plan. Again, if the county does proceed to eliminate zoning, it needs to be done over a scheduled time period to allow the townships which have relied on county zoning to react to this change.

I'm open to all suggestions you may have and as of this writing, I don't know how much time we have to accomplish the above.

George Giftos

From: "George Giftos" <George@cadillacvacuum.com>  
To: "Coe-Vokes Carol" <advancerealty@bignetnorth.net>, "Karen & David Renaud" <drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Carol Marcusse" <csmarcusse@charter.net>, "Carol Carlson" <greybaby2007@yahoo.com>, "Jim Lawrence" <jwlrnce@yahoo.com>, "Cathy Tacoma" <cathytacoma@hotmail.com>, "Marty Hudgins" <mhudgins3@yahoo.com>, "Dick Loughmiller" <mardic@charter.net>, "Sandy Deming" <sandydeming@att.net>, "Nancy Denison" <nden1@lssm.org>, "Ken Tacoma" <KennethTacoma@Hotmail.com>, "Larry Luhtanen" <lluhtane@yahoo.com>, "Randy & Deb Heeres" <rdheeres@charter.net>, "Hubb Hubb" <l\_hubb@yahoo.com>, "Dale Rosser" <DHRosser@charter.net>, "Helen Kay Quinn" <hkquinn@hotmail.com>, "Billi & Jan Lucas" <bjluc@prodigy.net>, "Dale & JoEllen Voice" <dvoice47@hotmail.com>, "Melissa Holmes" <mjch7@charter.net>, "Ross & Teri MeyerIng" <rmeyerling@charter.net>, "Charles & Marcia Wilson" <cmwilson2@charter.net>, "Marybeth" <marybeth49601@yahoo.com>, "Keith Vanderwal" <kvav20@hotmail.com>, "Mike & Kathy Lueder" <MKLueder@CharterMI.net>, "Al Meyer" <ameyervet@gmail.com>, "Anton Colasacco" <acolasacco@chartermi.net>, "Vokes Vokes" <edvokes@att.net>, "Joe & Tina Piotrowski" <sheddman@msn.com>, "Nate & Peg Swiger" <pnswiger@hotmail.com>, "Richard Craig" <rdcraig101@yahoo.com>, "Bruce Conradson" <bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
Date: 02/21/2013 10:01:45 EST  
Subject: **Further thought**

I wonder if it's time to pursue another 425 agreement to cover the property by Haring's zoning?

George

Further thought

From: "Kenneth Tacoma" <kennethtacoma@hotmail.com>  
 To: "George Giftos" <george@cadillacvacuum.com>, "Cob-Vokes Carol" <advancerealty@bignetnorth.net>, "Karen & David Renaud" <drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Carol Marcusse" <smarcusse@charter.net>, "Carol Carlson" <greybaby2007@yahoo.com>, "Jim Lawrence" <jwirnce@yahoo.com>, "Cathy Tacoma" <cathytacoma@hotmail.com>, "Marty Hudgins" <mhudgins3@yahoo.com>, "Dick Loughmiller" <mardic@charter.net>, "Sandy Deming" <sandydeming@att.net>, "Nancy Denison" <nden1@lssm.org>, "Larry Luhtanen" <lluhtane@yahoo.com>, "Randy & Deb Heeres" <rdheeres@charter.net>, "Hubb Hubb" <l\_hubb@yahoo.com>, "Dale Rosser" <drosser@charter.net>, "Helen Kay Quinn" <hkquinn@hotmail.com>, "Bill & Jan Lucas" <bjluc@prodigy.net>, "Dale & JoEllen Voice" <dvoice47@hotmail.com>, "Melissa Holmes" <mjc-h7@charter.net>, "Ross & Teri Meyerling" <rmeyerling@charter.net>, "Charles & Marcia Wilson" <cmwilson2@charter.net>, "Marybeth" <marybeth49601@yahoo.com>, "Keith Vanderwal" <kvav20@hotmail.com>, "Mike & Kathy Lueder" <mklueder@chartermi.net>, "Al Meyer" <ameyervet@gmail.com>, "Anton Colasacco" <acolasacco@chartermi.net>, "Vokes Vokes" <edvokes@att.net>, "Joe & Tina Piotrowski" <shedman@msn.com>, "Nate & Peg Swiger" <pnswiger@hotmail.com>, "Richard Craig" <rdcraig101@yahoo.com>, "Bruce Conradson" <bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
 Date: 02/21/2013 08:00:02 EST  
 Subject: RE: Further thought

George,

No, I don't think so.

1. There is no chance the Clam Lake Board would do this, as there is nothing in it for the township.
2. They will need to deal with the zoning issue on their own anyway, to protect the whole township, especially their DDA.
3. Plus, I think they will act in a timely fashion if forced to do so.
4. Finally, I'm sorry, but I don't trust your Harling Township Board.

The best option is to convince the Wexford County Commissioners not to fall for this short-sighted idiocy. What have they been drinking? Everybody should get a hold of Bill Goodwill and beg him (and the other commissioners) to keep the County zoning for the sake of everybody's property values. What are they thinking? Hundreds of hours of thoughtful, caring citizens work go into a Master Plan, years of people relying on the County stabilizing property values through a promise to have development stable in accordance WITH THEIR IMPOSED RULES, an areawide, orderly zoning plan to give citizens the right to plan on it, and now they want to just pull it away??? To shift the cost to the Townships? Many of which may not adopt an ordinance if the county pulls out? Don't they care about the community at all? It might be different if they had never had a zoning ordinance, but since they have, and repressed everyone's freedom, to now pull it away and allow the Wild West is reprehensible. This is irresponsible, illogical and crazy, even if VanderLaan isn't behind it.

K. Tacoma

> From: George@cadillacvacuum.com  
 > Subject: Further thought  
 > Date: Thu, 21 Feb 2013 10:01:45 -0500  
 > To: advancerealty@bignetnorth.net; drenaud5229@charter.net; ridleyj@att.net;  
 csmarcusse@charter.net; greybaby2007@yahoo.com; jwirnce@yahoo.com;  
 cathytacoma@hotmail.com; mhudgins3@yahoo.com; mardic@charter.net; sandydeming@att.net;  
 nden1@lssm.org; KennethTacoma@Hotmail.com; lluhtane@yahoo.com; rdheeres@charter.net;  
 l\_hubb@yahoo.com; DHRosser@charter.net; hkquinn@hotmail.com; bjluc@prodigy.net;  
 dvoice47@hotmail.com; mjc-h7@charter.net; rmeyerling@charter.net; cmwilson2@charter.net;  
 marybeth49601@yahoo.com; kvav20@hotmail.com; MKLueder@CharterMI.net;  
 ameyervet@gmail.com; acolasacco@chartermi.net; edvokes@att.net; shedman@msn.com;  
 pnswiger@hotmail.com; rdcraig101@yahoo.com; bruceconradson@att.net; mckeowns@charter.net  
 >  
 > I wonder if it's time to pursue another 425 agreement to cover the property by Harling's zoning?

From: "Lueder" <mklueder@chartermi.net>  
 To: "Kenneth Tacoma" <kennethtacoma@hotmail.com>  
 Cc: "George Giftos" <george@cadillacvacuum.com>, "Coe-Vokes Carol" <advancerealty@bignetnorth.net>, "Karen & David Renaud" <drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Carol Marcusse" <csmarcusse@charter.net>, "Carol Carlson" <greybaby2007@yahoo.com>, "Jim Lawrence" <jwirnce@yahoo.com>, "Cathy Tacoma" <cathytacoma@hotmail.com>, "Marty Hudgins" <mhudgins3@yahoo.com>, "Dick Loughmiller" <mardic@charter.net>, "Sandy Deming" <sandydeming@att.net>, "Nancy Denison" <nden1@lssm.org>, "Larry Luhtanen" <lluhtane@yahoo.com>, "Randy & Deb Heeres" <rdheeres@charter.net>, "Hubb Hubb" <l\_hubb@yahoo.com>, "Dale Rosser" <drosser@charter.net>, "Helen Kay Quinn" <hkquinn@hotmail.com>, "Bill & Jan Lucas" <bjluc@prodigy.net>, "Dale & JoEllen Voice" <dvoice47@hotmail.com>, "Melissa Holmes" <mjch7@charter.net>, "Ross & Teri Meyering" <rmeyering@charter.net>, "Charles & Marcia Wilson" <cmwilson2@charter.net>, "Marybeth" <marybeth49601@yahoo.com>, "Keith Vanderwal" <kvav20@hotmail.com>, "Al Meyer" <ameyervet@gmail.com>, "Anton Colasacco" <acolasacco@chartermi.net>, "Vokes Vokes" <edvokes@att.net>, "Joe & Tina Piotrowski" <sheddman@msn.com>, "Nate & Peg Swiger" <pnswiger@hotmail.com>, "Richard Craig" <rdcraig101@yahoo.com>, "Bruce Conradson" <bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
 Date: 02/22/2013 10:37:18 EST  
 Subject: **RE: Further thought**

Ken, I totally agree with your thoughts.

I will contact Bill. As I see it, the best scenario would be to keep the county zoning and the professionaliam it would offer with an administrator vs.the township boards. Unfortunately that may not be the result due to budget constraints. I am confident that Clam Lake Township would simply adopt the plan that they developed for their portion of the county master plan.

Perhaps this could be kept at the county level if the townships contributed funds specifically for zoning administration to the county. Just a thought.

That would be far a far more resonable expense than defending a zoning law suit directed at a township by an entity with sunbstantial resources in the future.

Mike Lueder

On Thu, Feb 21, 2013 at 8:00 PM, Kenneth Tacoma wrote:

George,

No, I don't think so.

1. There is no chance the Clam Lake Board would do this, as there is nothing in it for the township.
2. They will need to deal with the zoning issue on their own anyway, to protect the whole township, especially their DDA.
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K. Tacoma

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> Subject: Further thought  
> Date: Thu, 21 Feb 2013 10:01:45 -0500  
> To: avancerealty@bignetnorth.net; drenaud5229@charter.net;  
ridleyj@att.net; csmarcusse@charter.net; greybaby2007@yahoo.com;  
jwirnce@yahoo.com; cathytacoma@hotmail.com; mhudgins3@yahoo.com;  
mardic@charter.net; sandydeming@att.net; nden1@lssm.org;  
KennethTacoma@Hotmail.com; lluhtane@yahoo.com; rdheeres@charter.net;  
l\_hubb@yahoo.com; DHRosser@charter.net; hkquinn@hotmail.com;  
bjluc@prodigy.net; dvoice47@hotmail.com; mjc-h7@charter.net;  
rmeyering@charter.net; cmwilson2@charter.net;  
marybeth49601@yahoo.com; kvav20@hotmail.com;  
MKLueder@CharterMI.net; ameyervet@gmail.com;  
acolasacco@chartermi.net; edvokes@att.net; sheddman@msn.com;  
pnswiger@hotmail.com; rdcraig101@yahoo.com; bruceconradson@att.net;  
mckeowns@charter.net  
>  
> I wonder if it's time to pursue another 425 agreement to cover the  
property by Haring's zoning?  
>  
> George

"ADVANCE REALTY" <advancerealty@bignetnorth.net>  
George@cadillacvacuum.com  
drenaud5229@charter.net, ridleyj@att.net, csmarcusse@charter.net,  
greybaby2007@yahoo.com, jwlrnce@yahoo.com, cathytacoma@hotmail.com, mhudgins3@yahoo.com,  
mardic@charter.net, sandydeming@att.net, nden1@lssm.org, KennethTacoma@Hotmail.com,  
lluhtane@yahoo.com, rdheeres@charter.net, l\_hubb@yahoo.com, DHRosser@charter.net,  
hkquinn@hotmail.com, bj luc@prodigy.net, dvoice47@hotmail.com, mjc-h7@charter.net,  
rmeyering@charter.net, cmwilson2@charter.net, marybeth49601@yahoo.com, kvav20@hotmail.com,  
MKLueder@CharterMI.net, ameyervet@gmail.com, acolasacco@chartermi.net, edvokes@att.net,  
sheddman@msn.com, pnswiger@hotmail.com, rdcraig101@yahoo.com, bruceconradson@att.net,  
mckeowns@charter.net

02/22/2013 04:31:12 EST

Re: Further thought: FROM CAROL COE-VOKES, BROKER, ADVANCE REALTY

Hi all! I think the word INCONCEIVABLE could not possibly cover this latest preposterous proposal/thoughts by our representatives "of, by, and for the people" - Ken: funny you should ask "what are they drinking"? When something this idiotic surfaces I always ask "what are they smoking???"

Anyway, perhaps "we, the people," need to a)hire an attorney ourselves to prevent such? b)insist that what is already on the books will remain, ie "grandfathered" regarding future uses? c)insist that the zoning as it stands BE LEFT IN PLACE, with the "rules/regulations" our Zoning Committees/Panels/Etc have followed in the past continue? d) consider this a legal matter, insisting that the County pay additional monies out of the existing budget to hire an Attorney ON BEHALF OF US, THE TAXPAYERS? e)have the whole lot of them removed???? I FOR ONE AM SURE GETTING TIRED OF FIGHTING THE FIGHT TO PROTECT WHAT WE HAVE ALREADY AGREED UPON, AND RELY UPON, FOR THE GOOD OF "ALL OF US, THE PEOPLE!"

What the County already has in place, sufficing for surrounding Townships working in conjunction with what the Townships ALREADY have in place, seems to be working all these years - each of us taxpayers would be paying additional tax monies if forced to take steps to protect WHAT WE ALREADY HAVE! It seems these "representatives" need to be reminded that WE THE PEOPLE MOVE FORWARD, NOT ARCHAICALLY BACKWARDS!

What a grandiose "plan" for any "foe" with a commercial development in mind to take advantage of! (Got anyone particular in mind????)

on Feb 21, 2013, **George Giftos** <George@cadillacvacuum.com> wrote:  
I wonder if it's time to pursue another 425 agreement to cover the property by Harling's zoning?

George

Here we go again.....

From: "George Giftos" <ggiftos@me.com>  
 To: "Coe-Vokes Carol" <advancerealty@bignetnorth.net>, "Karen & David Renaud" <drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Carol Marcusse" <csmarcusse@charter.net>, "Carol Carlson" <greybaby2007@yahoo.com>, "Jim Lawrence" <jwirnce@yahoo.com>, "Cathy Tacoma" <cathytacoma@hotmail.com>, "Marty Hudgins" <mhudgins3@yahoo.com>, "Dick Loughmiller" <mardic@charter.net>, "Sandy Deming" <sandydeming@att.net>, "Nancy Denison" <nden1@issm.org>, "Ken Tacoma" <KennethTacoma@Hotmail.com>, "Larry Luhtanen" <lluhtane@yahoo.com>, "Randy & Deb Heeres" <rdheeres@charter.net>, "Hubb Hubb" <l\_hubb@yahoo.com>, "Helen Kay Quinn" <hkquinn@hotmail.com>, "Dale Rosser" <DHRosser@charter.net>, "Bill & Jan Lucas" <bjluc@prodigy.net>, "Dale & JoEllen Voice" <dvoice47@hotmail.com>, "Melissa Holmes" <mjc-h7@charter.net>, "Ross & Teri Meyering" <rmeyering@charter.net>, "Charles & Marcia Wilson" <cmwilson2@charter.net>, "Marybeth" <marybeth49601@yahoo.com>, "Kelth Vanderwal" <kvav20@hotmail.com>, "Mike & Kathy Lueder" <MKLueder@CharterMI.net>, "Al Meyer" <ameyervet@gmail.com>, "Anton Colasacco" <acolasacco@chartermi.net>, "Vokes Vokes" <edvokes@att.net>, "Joe & Tina Plotrowski" <sheddman@msn.com>, "Nate & Peg Swiger" <pnswiger@hotmail.com>, "Richard Craig" <rdcraig101@yahoo.com>, "Bruce Conradson" <bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
 Date: 04/15/2013 09:58:02 EDT  
 Subject: Here we go again.....

New developments in an issue we thought had been put to rest:

As reported by the Cadillac News, Clam Lake TWP has been negotiating with the city of Cadillac in order to obtain sewer services at the south end of the City and extending to McGuire's Resort.....eventually extending west to 115. The TWP had been informed that the original estimates were low and they would need to come up with additional monies. Clam Lake agreed and arranged for the additional financing.....BUT.....in the last few days, the City has reverted to a ploy, used so often in the past....annexation. The City is now holding Clam Lake TWP hostage and demanding that the parcel on the southeast corner of the M55/131 interchange must be annexed to the City, most likely along with those homes along Crosby Road which had been involved with the last annexation request so that the result would be a contiguous boundary with the City. The rumor is that Teri-Dee will re-file for annexation to the City on June 4. How can that happen, you ask? I thought we had 2 years before they could file again. Well, we did, but it's 2 years from the original date of their filing and that was June 4, 2 years ago! If they fast-track the project and the State Boundary Commission approves, Terri-Dee could conceivably be all set to go by the end of summer.

Now, what are our options? As I see it, the reason that the 425 agreement with Haring TWP was thrown out by the State Boundary Commission was that it was deemed to be a ploy and had been filed AFTER the filing by Terri-Dee for annexation. If we were to pursue this again and got it done BEFORE June 4, that argument would no longer apply. That's one possibility.

Second, Clam Lake TWP could decide to end negotiations with the City and decide to negotiate with Haring TWP for sewer services. The only drawback to this is that these services are not immediately available but will be within a few years as Haring TWP also gave up negotiating with the City because the demands from the City kept changing. Haring is going ahead with plans to construct their own wastewater treatment plant.

Third, there is the issue of County-wide zoning. The county has suggested that it may do away with zoning and leave it up to the individual townships. Haring already has zoning and its master plan mirrors the county master plan. Clam Lake does not have their own zoning, but could adopt the county plan. That would require hiring a zoning administrator, at least part-time.

Clam Lake TWP is planning on meeting with their attorney to investigate what other options may be available to them in a closed session Wednesday night. Haring TWP will have a special meeting at 3PM tomorrow (Tuesday), which I will attend.

One thing I find interesting is that the last time the annexation to the City was attempted, the Mayor and several City Council Members stated publicly that they were not pursuing the annexation and didn't really want it. It looks like things have changed and the true colors are beginning to show.

Here we go again.....

Apparently the City now wants the annexation. I've seen this happen repeatedly in the years I've lived in the area.

Perhaps one of these years, we'll have a nice peaceful Spring and Summer, but it doesn't look like it's going to be this year!

Take a look at the addresses above. If you see any of them which are outdated, please advise me with the corrected email addresses. If you know of some we should add, let me know.

Re: Fwd: Here we go again.....

From: "Mckeowns" <mckeowns@charter.net>  
 To: "Mike Lueder" <mklueder@chartermi.net>, "Dale Rosser" <drosser@charter.net>  
 Date: 04/16/2013 04:18:24 EDT  
 Subject: Re: Fwd: Here we go again.....

Yes Mike, it appears true. I've been making phone calls today to confirm this email. The township is holding a closed session meeting tomorrow. We will have plenty to discuss on Monday.

Mark McKeown  
 www.clamlakedda.org

Sent via my Samsung Transform Ultra from Boost Mobile

Mike Lueder <mklueder@chartermi.net> wrote:

Dale and Mark, I received this email from our neighborhood watchdog on the Teri dee project. Does any of what he is saying about the city and our sewer project have a basis or been discussed?

Sent from my iPhone

Begin forwarded message:

**From:** George Giftos <ggiftos@me.com>  
**Date:** April 15, 2013, 9:58:02 PM EDT  
**To:** Coe-Vokes Carol <advancerealty@bignetnorth.net>, Karen & David Renaud <drenaud5229@charter.net>, Judy Ridley <ridleyj@att.net>, Carol Marcusse <cmarcusse@charter.net>, Carol Carlson <greybaby2007@yahoo.com>, Jim Lawrence <jwlance@yahoo.com>, Cathy Tacoma <cathytacoma@hotmail.com>, Marty Hudgins <mhudgins3@yahoo.com>, Dick Loughmiller <mardic@charter.net>, Sandy Deming <sandydeming@att.net>, Nancy Denison <nden1@lssm.org>, Ken Tacoma <KennethTacoma@Hotmail.com>, Larry Luhtanen <lluhtane@yahoo.com>, Randy & Deb Heeres <rdheeres@charter.net>, Hubb Hubb <l\_hubb@yahoo.com>, Helen Kay Quinn <hkquinn@hotmail.com>, Dale Rosser <DRosser@charter.net>, Bill & Jan Lucas <biluc@prodigy.net>, Dale & JoEllen Voice <dvoice47@hotmail.com>, Melissa Holmes <mjc-h7@charter.net>, Ross & Teri Meyering <rmeyering@charter.net>, Charles & Marcia Wilson <cmwilson2@charter.net>, Marybeth <marybeth49601@yahoo.com>, Keith Vanderwal <kvav20@hotmail.com>, Mike & Kathy Lueder <MKLueder@CharterMI.net>, Al Meyer <ameyerve1@gmail.com>, Anton Colasacco <acolasacco@chartermi.net>, Vokes Vokes <edvokes@att.net>, Joe & Tina Piotrowski <sheddman@msn.com>, Nate & Peg Swiger <pnswiger@hotmail.com>, Richard Craig <rdcraig101@yahoo.com>, Bruce Conradson <bruceconradson@att.net>, Mark McKeown <mckeowns@charter.net>  
**Subject:** Here we go again.....

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Take a look at the addresses above. If you see any of them which are outdated, please advise me with the corrected email addresses. If you know of some we should add, let me know.

From: "George Giftos" <gcgiftos@me.com>  
To: "Dale Rosser" <DHRosser@charter.net>  
Date: 04/21/2013 08:13:29 EDT  
Subject: **Meeting outcome**

Hi Dale,

What was the result of the meeting between you, the Clam Lake TWP attorney and Bob Scarbrough this week? I know we don't want to tip our hand but is there anything I can pass along as far as the course of action we plan to take is concerned?

George

From: dhrosser@charter.net  
To: "George Giftos" <gcgiftos@me.com>  
Date: 04/24/2013 01:09:58 EDT  
Subject: **RE: Meeting outcome**

George,  
Nothing to say at this time. We were just exploring options that may be available to us.

hopefully more to come.  
Dale

On Sun, Apr 21, 2013 at 8:13 AM, George Giftos wrote:

Hi Dale,

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George

From: "George Giftos" <George@cadillacvacuum.com>  
 To: "Coe-Vokes Carol" <advancerealty@bignetnorth.net>, "Karen & David Renaud" <drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Carol Marcusse" <csmarcusse@charter.net>, "Carol Carlson" <greybaby2007@yahoo.com>, "Jim Lawrence" <jwlrncc@yahoo.com>, "Cathy Tacoma" <cathytacoma@hotmail.com>, "Marty Hudgins" <mhudgins3@yahoo.com>, "Dick Loughmiller" <mardic@charter.net>, "Sandy Deming" <sandydeming@att.net>, "Nancy Denison" <nden1@lssm.org>, "Ken Tacoma" <KennethTacoma@Hotmail.com>, "Larry Luhtanen" <lluhtane@yahoo.com>, "Randy & Deb Heeres" <rdheeres@charter.net>, "Hubb Hubb" <L\_hubb@yahoo.com>, "Dale Rosser" <DHRosser@charter.net>, "Helen Kay Quinn" <hkquinn@hotmail.com>, "Bill & Jan Lucas" <bjluc@prodigy.net>, "Dale & JoEllen Voice" <dvoice47@hotmail.com>, "Melissa Holmes" <mjc-h7@charter.net>, "Ross & Teri Meyering" <rmeyering@charter.net>, "Charles & Marcia Wilson" <cmwilson2@charter.net>, "Keith Vanderwal" <kvav20@hotmail.com>, "Mike & Kathy Lueder" <MKLueder@CharterMI.net>, "Al Meyer" <ameyervet@gmail.com>, "Anton Colasacco" <acolasacco@chartermi.net>, "Vokes Vokes" <edvokes@att.net>, "Nate & Peg Swiger" <pnswlger@hotmail.com>, "Joe & Tina Plotowski" <shedman@msn.com>, "Bob Scarbrough" <caroscar@netonecom.net>, "Richard Craig" <rdcraig101@yahoo.com>, "Bruce Conradson" <bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
 Date: 05/02/2013 02:35:01 EDT  
 Subject: Update as of 5/2/13

Hi folks,

Many of you have received a notice of Joint Public Hearing by the Charter TWP of Haring and Clam Lake TWP at the Clam Lake TWP Hall, 8809 East M-115, Cadillac. The date and time of the hearing is May 8 at 6 PM. I strongly urge you to attend this meeting and to support the proposed plan.

As you know, last year, the State Boundary Commission ruled that the 425 annexation agreement between Clam Lake and Haring Townships was invalid. They also voted 3-2 to deny the annexation of the TerriDee property at the Southeast corner of the M55/131 interchange to the City of Cadillac. One of the reasons for the reversal of the annexation between Clam Lake and Haring was that there was no plan for any economic improvement by that move. In the meantime, Clam Lake has been negotiating with the City for water and sewer in their DDA district and McGuire's Resort. They thought they had a deal, but the City changed their demands and would only decide to provide those services to Clam Lake as long as they would allow the annexation of that property to the City. (These are the same City officials who told me last year that they didn't want that property!). Allowing the City to annex that property would set a precedent and could result in further property loss from Clam Lake to the City. Talks with the City for these services have ceased and Clam Lake again began discussing the possibility of obtaining those services from Haring. (Haring is set to begin construction on their own water treatment plant)

Current plans are to reenter into a 425 agreement between Clam Lake and Haring Townships with the objective to provide sewer service to the TerriDee property and continue to the Clam Lake DDA district. This plan also allows for rezoning and development of that property as a PUD, with a set of restrictions as to the development of that property. These restrictions are necessary to protect the surrounding residential areas, and recognize that another bout with the State Boundary Commission could result in their allowing annexation to the City. That would result in a development far more distasteful than the one proposed in our agreement. I know that most of us would prefer no development at all, but long term, that's not practical. At some point in the future, that property will be developed and this proposed zoning would be in our best interests. This is a pro-active step and after sitting through several meetings during the development of this plan, I can live with it. Our best plan of action is to support this plan.

I know many of you will have questions and may disagree with me. I urge you to email me with any concerns or call me (775-3532). I have a copy of the proposed agreement with the restrictions.

George

"George Giftos" <gcgiftos@me.com>  
"Bob Scarbrough" <caroscar@netonecom.net>  
"Dale Rosser" <DHRosser@charter.net>  
05/04/2013 08:33:24 EDT  
Mike Lueder

Bob, Dale,

I had a Loong phone conversation with Mike Lueder last night. Basically, he has met with the city who tells him that they will accept the annexation of the TerriDee property with the restrictive PUD guidelines which are proposed when annexed to Haring TWP. The City has told him that many of the demands he has heard just weren't true and that our attorney is stirring up the pot in order to increase his billing to us. He's accused me of throwing all of the people who have relied on me under the bus. He doesn't want sewer service to the DDA to cost \$700,000 when that same level of service could be obtained immediately from the city for much less. He met with the City yesterday and tells me that the City wants to meet with me and will put whatever demands we insist on in writing.

OK, that was his side of the conversation. Unfortunately, the gist is that we are all being told about several situations when all the information is second hand and not necessarily accurate. According to Mike, we have to stop pursuing this based on emotion and history.

Now my side: You must look at history, which then results in some emotions being factored in, because even though the people have changed, history shows us that the City does not bargain in good faith and that meeting with them is just an exercise in futility. He wants me to continue to oppose any commercial development of the TerriDee property, an if that goes down to defeat, so be it. We at least have fought the battle and been consistent. He pointed out that a PUD can be changed in the future and that this PUD was only a tool to allow the future development of this project by TerriDee. I agreed that a PUD can be changed, but since I was on the Haring TWP Planning Commission and knew all the members, at least while we were on the Commission, I didn't see us altering our position on this PUD. I told him that I would not meet with the City, but that if they were sincere, which I really doubt, get me something in writing from them to that effect and I would pursue it from there. This is the City which told me last year that they didn't want that property, but now they do. I also told him my personal feeling that if I were bringing a retail business to Cadillac, and I were to investigate this PUD with its restrictions, I would choose to locate at Boon Road where the other commercial development is going on, so I feel that while we would allow commercial development at M55, it wouldn't happen.

I'll keep you both informed as to further developments, but I thought you should be aware of this situation which currently exists.

George

"George Giftos" <gcgiftos@me.com>  
"Coe-Vokes Carol" <advancerealty@bignetnorth.net>, "Karen & David Renaud"  
<drenaud5229@charter.net>, "Judy Ridley" <ridleyj@att.net>, "Hubb Hubb"  
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<bruceconradson@att.net>, "Mark McKeown" <mckeowns@charter.net>  
05/07/2013 12:43:18 EDT  
**Public Hearing**

Hi Folks,

There will be a joint Haring TWP/Clam Lake TWP public hearing at the Clam Lake TWP hall, tomorrow (Wed, May 8) at 6 PM. I urge you all to attend to find out the latest information and to participate in the hearing.

Thanks,

George