



# Lenawee County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426 • Fax (517) 788-4635

## SPECIAL MEETING NOTICE

FOR FURTHER INFORMATION CONTACT:	DATE: May 16, 2019
Grant E. Bauman	TIME: 5:00 p.m.
R2PC Principal Planner	PLACE: McLaughlin University Center
(517) 768-6711	Sienna Heights University Campus
<a href="mailto:gbauman@co.jackson.mi.us">gbauman@co.jackson.mi.us</a>	Adrian, Michigan

## SPECIAL MEETING AGENDA

1. Call to Order and Pledge of Allegiance
2. Public Comment *[3-MINUTE LIMIT]*
3. Approval of Agenda *[ACTION]*
4. Meeting Minutes
- Approval of the Minutes of the April 18, 2019, 2019, Meeting *[ACTION]* ..... 3
5. Request(s) for Review, Comment, and Recommendation
  - a. Consideration of Township Zoning Amendment(s)
    - (1) #19-05 — Woodstock Township *[ACTION]* ..... 5
    - (2) #19-06 — Adrian Township *[ACTION]* ..... 19
  - b. Consideration of PA 116 Farmland Agreement(s)
    - (1) #19-17 — Riga Township *[ACTION]* ..... 39
    - (2) #19-18 — Palmyra Township *[ACTION]* ..... 55
  - c. Consideration of Master Plan(s) — None
6. Other Business
  - a. Old Business — None
  - b. New Business — None
7. Public Comment *[2 MINUTE LIMIT]*
8. Commissioner Comment
9. Adjournment

*The next meeting of the Lenawee County Planning Commission  
(and its Annual Dinner) is scheduled for July 18, 2019*

**[www.region2planning.com/lenawee-county-planning-commission](http://www.region2planning.com/lenawee-county-planning-commission)**

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## MEETING MINUTES

Thursday, May 16, 2019

Old Lenawee County Courthouse • 2nd Floor Commission Chambers • Adrian, Michigan

Members Present: Mr. Bob Behnke, Education Representative; Ms. Karol (KZ) Bolton, Lenawee County Commission; Mr. Keith Dersham, LCPC Secretary; Mr. Bruce Nickel; Mr. Ralph Tillotson, Lenawee County Commission; and Mr. Dale Witt

Members Absent: Ms. Rebecca Liedel, LCPC Chair

Others Present: Mr. Grant Bauman, LCPC Staff/Recording Secretary

Item 1 **Call to order.** The meeting was called to order at 6:30 p.m. by Secretary Dersham. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2 **Public comment** — None

Item 3 **Approval of Agenda.** Staff submitted the 5/16/19 meeting agenda for approval.

A motion was made by Comm. Bolton, and seconded by Comm. Behnke, to approve the May 16, 2019, meeting agenda as presented. *The motion passed unanimously.*

Item 4 **Approval of Minutes.** Staff submitted the 04/18/19 meeting minutes for approval.

A motion was made by Comm. Behnke, and seconded by Comm. Nickel, to approve the April 18, 2019, meeting minutes as presented. *The motion passed unanimously.*

Item 5 **Request(s) for Review, Comment, and Recommendation**

a. **Consideration of Township Zoning Amendment(s)** — None

b. **Consideration of PA 116 Farmland Agreement(s)**

(1) **#19-14 | Blissfield Township.** Commissioners reviewed a proposed agreement for a property (ID# BLO-206-4300-00) along Blissfield Highway in Blissfield Township (Section 6 (T7S-R5E)). Staff summarized his report advising Commissioners to recommend approval of the agreement to the Blissfield Township Board of Trustees (see the staff report).

A motion was made by Comm. Bolton, and seconded by Comm. Nickel, to recommend approval. *The motion passed unanimously.*

(2) **#19-15 | Deerfield Township.** Commissioners reviewed a proposed partial release from an expired agreement for a property (ID# DE0-209-1200-00) along Forche Road in Deerfield Township (Section 9 (T7S-R4E)). The release of the farmstead will also extend the agreement on the remainder of the property. Staff summarized his report advising Commissioners to recommend approval of the release to the Lenawee County Board of Commissioners (see the staff report). Comm. Tillotson noted that the applicant will likely have to pay a penalty.

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A motion was made by Comm. Bolton, and seconded by Comm. Behnke, to recommend approval with comments (see the staff report and these minutes). *The motion passed unanimously.*

- (2) **#19-16 | Palmyra Township.** Commissioners reviewed a proposed agreement for a property (ID# PA0-101-1550-00) along Grosvenor Highway in Palmyra Township (Section 1 (T7S-R4E)). Staff summarized his report advising Commissioners to recommend approval with comments of the agreement to the Palmyra Township Board (see the staff report).

A motion was made by Comm. Bolton, and seconded by Comm. Witt, to recommend approval with comments (see the staff report). *The motion passed unanimously.*

- c. **Consideration of Master Plan(s)** — None

Item 6 **Other Business**

- a. **Old Business**

- (1) **2019 LCPC Annual Dinner.** Staff announced that the speakers for the event have been secured.

- b. **New Business** — None

Item 7 **Public Comment** — None

Item 8 **Commissioner Comment** — None

Item 9 **Adjournment.** The meeting was adjourned at 6:50 pm.

Respectfully submitted,



Grant E. Bauman, Recording Secretary



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## COORDINATED ZONING REPORT | #19-05

**To:** County Planning Commissioners  
**From:** Grant E. Bauman  
**Date:** June 20, 2019

**Proposal:** Rezoning of property in Woodstock Township

### Purpose

The purpose of the rezoning request is to allow “a land split resulting in two parcels for single-family residential use”, according to the applicant (see the Township’s ‘Application for Zoning Changes’). It was also noted that the proposed use of the site is ‘residential/storage’ (see the ‘Rezoning Worksheet Form’).<sup>1</sup>

### Location and Size of the Property

**Location** – The subject property (WD0-136-1550-00) is located at 7675 Hallenbeck Highway in Section 36 (T5S-R1E) of Woodstock Township. The property is situated in the southeast corner of the intersection of US-223 and Hallenbeck Highway (see Figures 1, 4a, and 4b).

**Size** – The subject property has an area of approximately 3.7 acres.

### Land Use and Zoning

**Current Land Use** – The current use of the subject property is residential, according to the Township (see the Rezoning Worksheet Form). Each of the surrounding properties contain a combination of agricultural and residential uses.

**Future Land Use** – Woodstock Township’s future land use map places the subject property and surrounding parcels in an area recommended for ‘Agricultural’ uses (see Figure 2).

**Current Zoning** – The subject property and surrounding parcels are located in an ‘Agricultural (AG)’ district (see Figure 3).

### Public Facilities and Environmental Constraints

**Public Road/Street Access** – The subject property fronts US-223, part of the state trunkline system, and Hallenbeck Highway, a county local roadway (see Figure 4b).

**Public Water and Sewer** – Neither public sanitary sewer service or public water service is available on the subject property and there are no plans to provide those services.

**Environmental Constraints** – There are no known environmental constraints, according to the Township (see the ‘Rezoning Worksheet Form’).

<sup>1</sup> Please note that the proposed use is listed for informational purposes only. It should not be utilized in making the rezoning decision. Circumstances may change, making the proposed use impractical. All of the uses allowed under the proposed zoning are pertinent.

### Analysis and Recommendation

**Township Planning Commission Recommendation** – The Woodstock Township Planning Commission recommends *approval* of the proposed rezoning (see the background information).

**CZC Staff Analysis** – Woodstock Township has a Zoning Plan which includes the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**

**No.** The subject property is located in the midst of a large area recommended for ‘Agricultural’ uses (see Figure 2). The Zoning Plan equates the ‘Rural Non-Farm (RNF)’ zoning district to the ‘Low-Density Residential’ future land use area identified on the Future Land Use map.

2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

**Yes.** Although the Zoning Plan equates ‘RNF’ zoning to ‘Low-Density Residential’ areas, there is an existing ‘RNF’ district located further to the southeast along US-223 (see Figure 3).

3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

**No.** It is unlikely that public services or facilities will be negatively impacted by the proposed change in zoning.

4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**

**Yes.** There is already a mix of agricultural and residential uses in the general area of the rezoning request. The big difference is the minimum lot size for single-family dwelling in the ‘RNF’ district is only 1 acre, compared to 2 acres in the ‘AG’ district.

**CZC Staff Analysis** – Staff agrees with the Woodstock Township Planning Commission’s recommendation to approve the rezoning request. However, the Township’s Zoning Plan should be amended to equate the ‘Rural Non-Farm (RNF)’ zoning district to the ‘Agricultural’ future land use category.

**CZC Staff Recommendation** – Based upon this analysis, staff advises the Lenawee County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the proposed ‘Rural Non-Farm (RNF)’ rezoning to the Woodstock Township Board:

- Amend the Zoning Plan to equate the ‘Rural Non-Farm (RNF)’ zoning district to the ‘Agricultural’ future land use category.

<b><u>Recommended Actions:</u></b>	
(1)	Recommend <b>APPROVAL</b>
(2)	Recommend <b>DISAPPROVAL</b>
(3)	Recommend <b>APPROVAL WITH COMMENTS/MODIFICATIONS</b>
(4)	Take <b>NO ACTION</b>

Figure 1  
Location

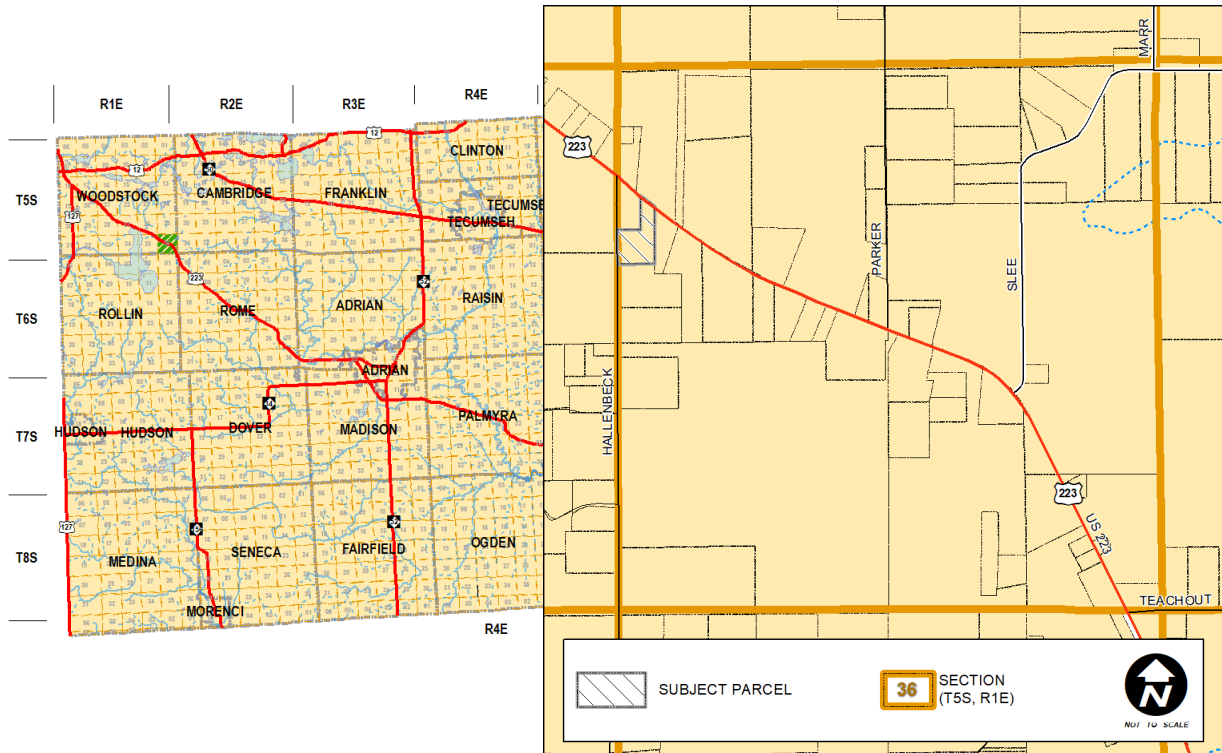
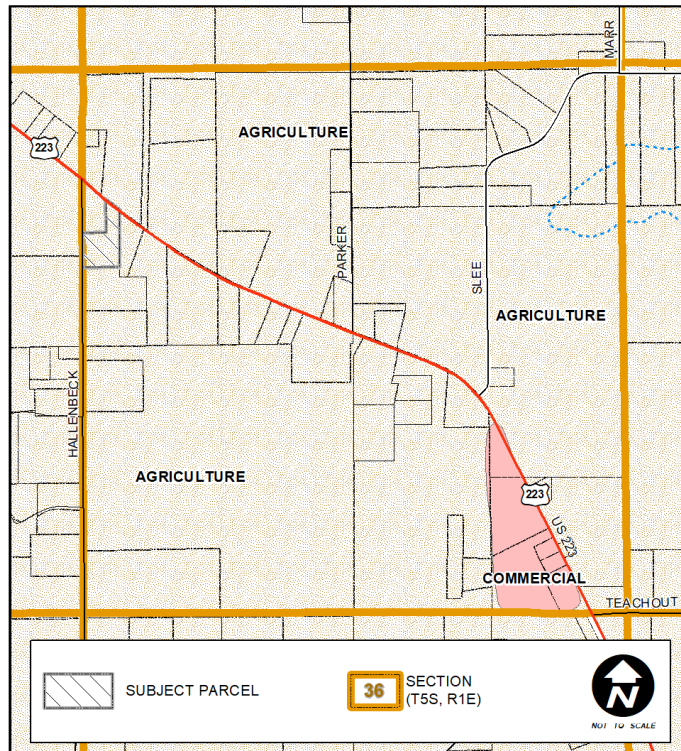
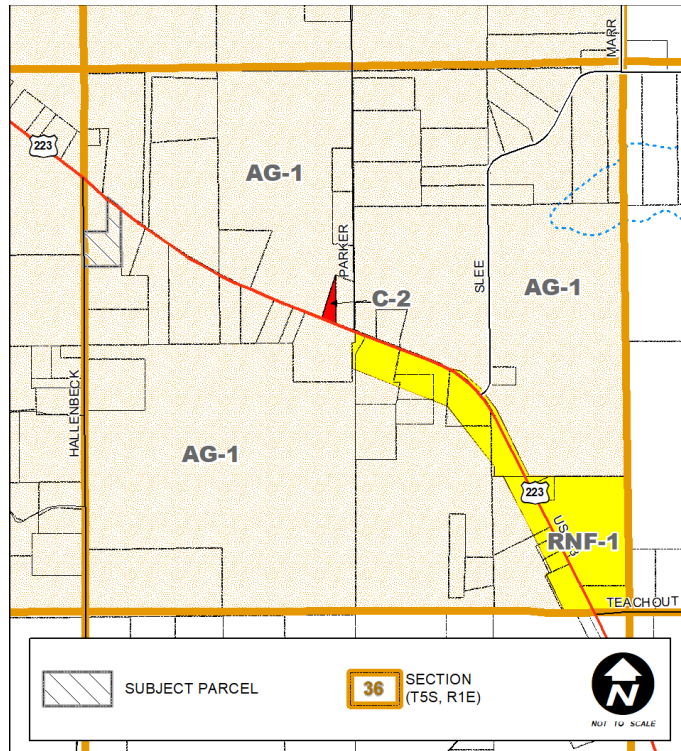


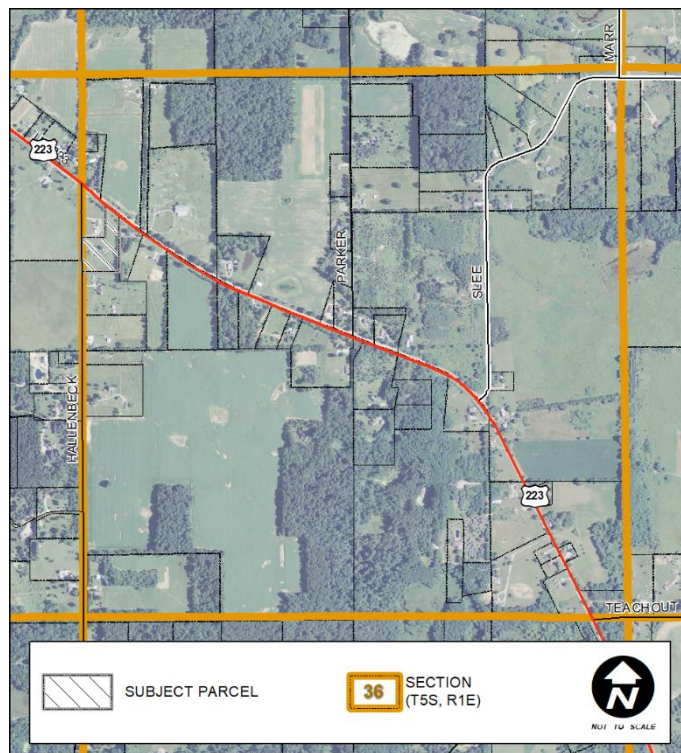
Figure 2  
Township Future Land Use



**Figure 3  
Township Zoning**



**Figure 4a  
Aerial Photo**





Figures 4b  
Google Photo



LCPC Case #: \_\_\_\_\_  
(For LCPC Use Only)

# ZONING AMENDMENT FORM



## LENAWEE COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Lenawee County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the LCPC recommendation will be mailed back to the Clerk, who will return a copy to the LCPC with the Township Board Action.

THE Woodstock TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Lenawee County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

### A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

WDO-136-1550-00

see Attached

1. The above described property has a proposed zoning change FROM AG Agriculture ZONE TO RNF Rural Non-Farm ZONE.
2. PURPOSE OF PROPOSED CHANGE: Small parcel splits

### B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_  
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) \_\_\_\_\_

- C. PUBLIC HEARING on the above amendment was held on: month 06 day 04 year 2019
- D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 05 day 18 year 2019  
(Notice must be provided at least fifteen days prior to the public hearing.)
- E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: Actrain Telegram  
The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to  APPROVE or  DISAPPROVE.  
Mel Aree  Chair or  Secretary 06/04/2019 (enter date)

### LENAWEE COUNTY PLANNING COMMISSION (LCPC) ACTION:

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The LCPC herewith certifies receipt of the proposed amendment on the above date and:
  - Recommends APPROVAL of the zoning change
  - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
  - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
  - Takes NO ACTION.

\_\_\_\_\_, Recording Secretary \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (enter date)

### TOWNSHIP BOARD ACTION:

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment  PASSED,  DID NOT PASS, or was  REFERRED ANEW to the Township Planning Commission.

Township Clerk

LCPC Case #: \_\_\_\_\_  
(For LCPC Use Only)

# REZONING WORKSHEET FORM



## LENAWEE COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Lenawee County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: WOODSTOCK Township Case #: 60,4,19  
 Township official we may contact: Jeff Votelle Phone #: (517) 206-0529  
 Applicant: Jensen Phone #: (517) 990-3089  
 Rezoning Request: From: Agriculture (AG) To: Rural Non-Farm (RNF)  
 Property Location: Section(s): 36 Quarter Section(s):  NW  NE  SW  SE  
 Legal Description and/or Survey Map/Tax Map (please attach)  Yes  No (Please do not use only the Parcel ID Number)  
 Parcel Size (if more than one parcel, label "A" - "Z"): see attached

Please attach location map  Yes  No  
 What is the existing use of the site? RESIDENTIAL

What is the proposed use of the site? RESIDENTIAL / STORAGE

What are the surrounding uses (e.g. agriculture, single-family residential, highway commercial, etc.)?  
 North: Agriculture / Residential South: Agriculture / Residential  
 East: Agriculture / Residential West: Agriculture / Residential

What are the surrounding Zoning Districts?  
 North: Agriculture (AG) South: Agriculture (AG)  
 East: Agriculture (AG) West: Agriculture (AG)

What is the suggested use of the site on the Township's Land Use Plan map? Agriculture AG

Is municipal water currently available?  Yes  No Will it be made available?  Yes  No If yes, when? \_\_\_\_\_  
 Is municipal sewer currently available?  Yes  No Will it be made available?  Yes  No If yes, when? \_\_\_\_\_  
 Does the site have access to a public street or road?  Yes  No If yes, name Hallenbeck / US 223  
 Are there any known environmental constraints on the site?  Yes  No  
 Wetland(s)  Floodplain(s)  Brownfield(s)  Soil(s)  
 Other (please specify) \_\_\_\_\_

Please attach the minutes of the Planning Commission.  
 Yes, the minutes are attached.  No, the minutes are not attached.  
 Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.  
 Yes, copies of documentation are attached.  No, copies of documentation are not attached.  
 Please attach any public comments, letters, or petitions.  
 Yes, public comments are attached.  No, public comments are not attached.

Please include any additional information or comments as an attachment.

# Application for Zoning Changes

PLEASE PRINT OR TYPE ( use back of application if more space is needed)

1. Application is hereby made by: Name(s): THEODORE A. (TED) AND Rochelle A. JENSEN  
Address: 5885 TOWER DR. MANITOU BEACH MI Telephone: 517 490 5089  
to obtain a change in zoning.

2. The applicant(s) is /are:  the owner(s) of the property involved.  acting on behalf of the owner(s) of the property involved.

3. Address of property involved: 7675 HALLENBECK HWY. MANITOU BEACH MI

4. Legal description: WPD 136 1550 00

FULL LEGAL DESCRIPTION ATTACHED

5. The above property is presently zoned: AG

6. The proposed use(s) and nature(s) of operation is/are REZONE TO "RNF" FOR THE PURPOSE OF ACQUIRE A LAND SPLIT RESULTING IN TWO PARCELS FOR SINGLE FAMILY RESIDENTIAL USE

NOTE: ATTACH AN ACCURATE SURVEY DRAWING OF SAID PROPERTY.

Date: 4-18-2019

Applicant(s): Theodore A. Jensen  
signature

Rochelle A. Jensen  
signature

Fee Received \$ 420.00 ✓ # 2119 ✓

Township Clerk: Chai Cune  
signature

## PLANNING COMMISSION

The Township Zoning Board, having reviewed the submitted data, do hereby recommend that the Township Board  Approve the rezoning for the following reasons:  Disapprove

Date: 6/4/2019

Chairman: Malvin Cune  
signature

## CERTIFICATE OF ZONING CHANGE:

The Township Board, having reviewed the submitted data and the recommendation by the Zoning Board, do hereby  Approve the zoning change for the following reasons:  Disapprove

Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_  
signature

WOODSTOCK TOWNSHIP  
PLANNING COMMISSION  
6486 Devils Lake Hwy  
Addison, MI 49220

June 4, 2019

Planning Commission Meeting

Attendees: J. Burke, D. Crawford, M. Cure, R. Kennard, J. Josephs, J. Nicholl, R. Turner  
Absent: None

Chairman Mel Cure brought meeting to order at 6:00pm followed by the pledge of allegiance.

A. New Business

1. This public hearing is in regards to a request for rezoning the property located at 7675 Hallenbeck Hwy (WDO-136-1550-00). Applicant is requesting property be rezoned to Rural Non-Farm (RNF) from Agriculture (AG-1) for the purpose of acquiring a land spilt, resulting in two (2) parcels for single family residential use.
2. Letter of Correspondence
  - i. None
3. Current owner of property statement indicated current plan is to spilt property into 2 parcels for the use of single family residence
  - i. Owner bought property years ago to use for garden space and storage but is nearing retirement and will be likely be moving to use as permanent housing
  - ii. Currently, property has a manufactured home, garage and barn on site
  - iii. Owner has researched property details and found with current Township Assessor property wasn't zoned correctly
  - iv. Requesting rezoning in order to split property to move forward with parcel of house and garage leaving other parcel with barn only
4. Motion made by R. Kennard to recommend to the Township Board that the property be zoned to Rural Non-Farm (RNF) from Agriculture (AG) as the site has been presented with application, 2<sup>nd</sup> by R. Turner
  - i. Roll Call: D. Crawford - Yes, J. Burke - Yes, R. Kennard - Yes, R. Turner - Yes, J. Nicholl - Yes, J. Josephs - Yes, M. Cure - Yes. Motion passes
  - ii. All documentation will be passed on to Township Board for next steps

Meeting was adjourned at 6:13 pm.

Chairman Mel Cure has reviewed and approved these minutes.

Respectfully submitted by  
J. Josephs, Recording Secretary

Chicago Title Insurance Company

Commitment Number: PR-170894

EXHIBIT A  
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Land in the Township of Woodstock, County of Lenawee, State of Michigan, described as follows:

All that part of the Northwest 1/4 of Section 36, Town 5 South, Range 1 East, described as commencing on the West line of Section 36, aforesaid, at point located 777.75 feet North 00° 35' 00" East from the West 1/4 corner of said Section 36, and running thence North 00° 35' 00" East along said line 341.82 feet; thence South 89° 25' 00" East 200.0 feet; thence North 00° 35' 00" East 353.22 feet to the center line of Highway US-223; thence South 50° 58' 00" East along said center line 216.08 feet; thence South 00° 18' 00" West 580.74 feet; thence North 89° 25' 00" West 371.44 feet to the point of beginning.  
EXCEPTING THEREFROM land described as being a part of the Northwest 1/4 of Section 36, Town 5 South, Range 1 East, further described as commencing at the West 1/4 corner of Section 36; thence North 00° 35' 00" East along the centerline of Hallenbeck Highway 1120.85 feet (record 1119.57 feet); thence South 89° 26' 11" East (record South 89° 25' 00" East), 199.91 feet (record 200.00 feet) for a point of beginning; thence North 00° 35' 00" East 354.51 feet (record 353.22 feet) to the centerline of Highway US-223; thence South 50° 59' 00" East along said centerline 38.30 feet; thence South 00° 35' 00" West 330.69 feet; thence North 89° 26' 11" West 30.00 feet to the point of beginning.

**Woodstock Township Planning Commission**

6486 Devils Lake Hwy  
Addison, MI 49220  
517.547.6598

**Zoning/Ordinance Administrator's Report**  
**Application for Zoning Change**

**7675 Hallenbeck Hwy, WDO-136-1550-00**

Applicants: Theodore A. (Ted) and Rochelle  
5885 Tower Dr.  
Manitou Beach, MI 49253  
517.490.5089

**Proposed Uses**

Rezone to Rural Nonfarm for the purpose of acquiring a land split, resulting in two (2) parcels for single family residential use.

**Property History**

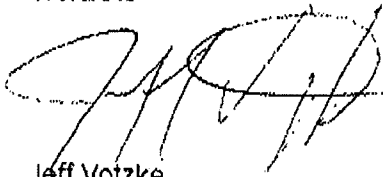
7/30/1994- ZCP for garage, granted.  
6/8/2007- ZCP for pole barn, granted.  
8/28/2008- ZCP for deck, granted.  
10/4/2017- ZCP for dwelling addition, gra

**Attachments**

2016 Pictometry view of WDO-136-1550-00

**Report Prepared**

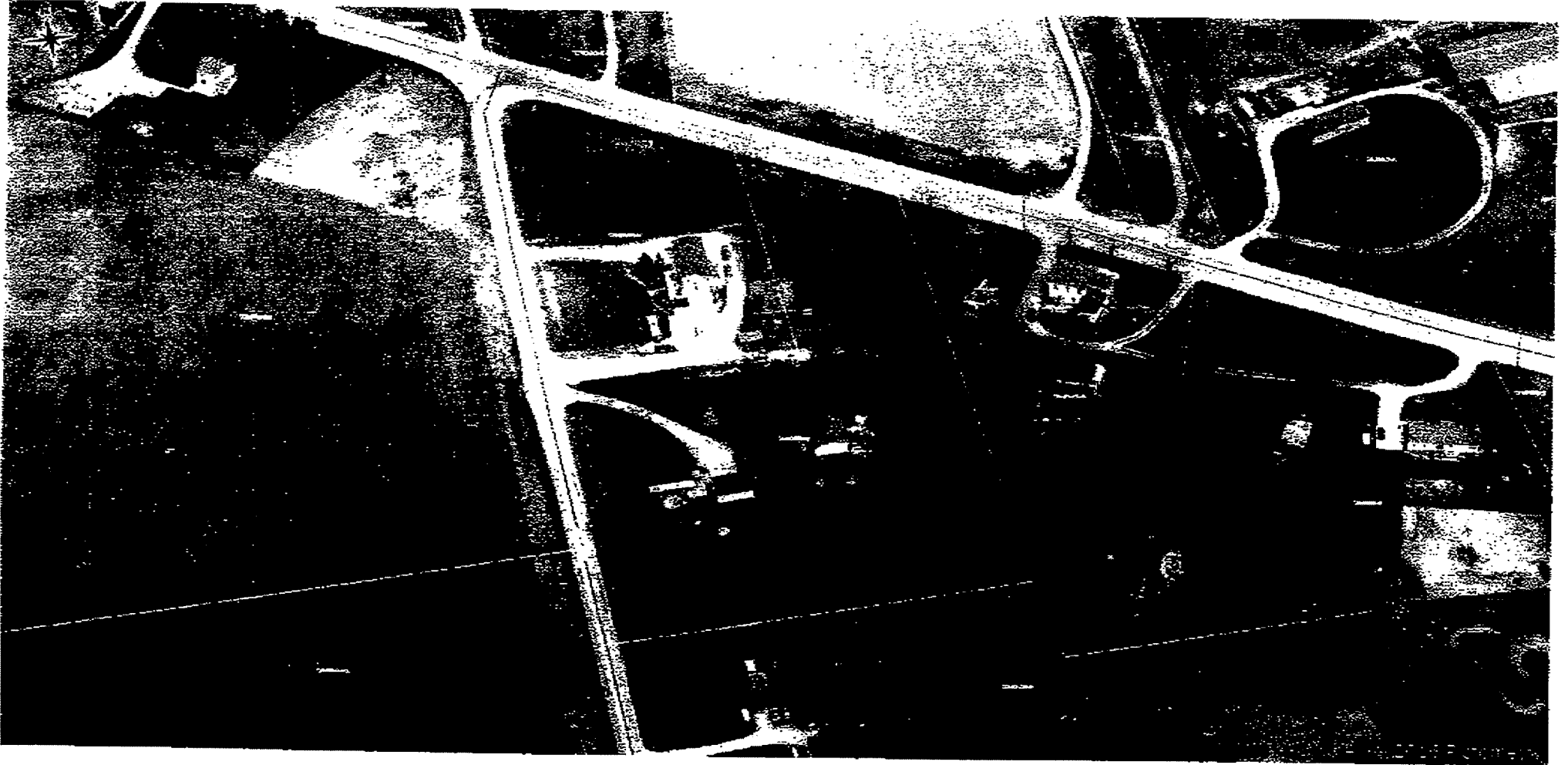
5/9/2019



Jeff Votzke  
Zoning/Ordinance Administrator

Cc  
Planning Commission Members  
Applicant  
file

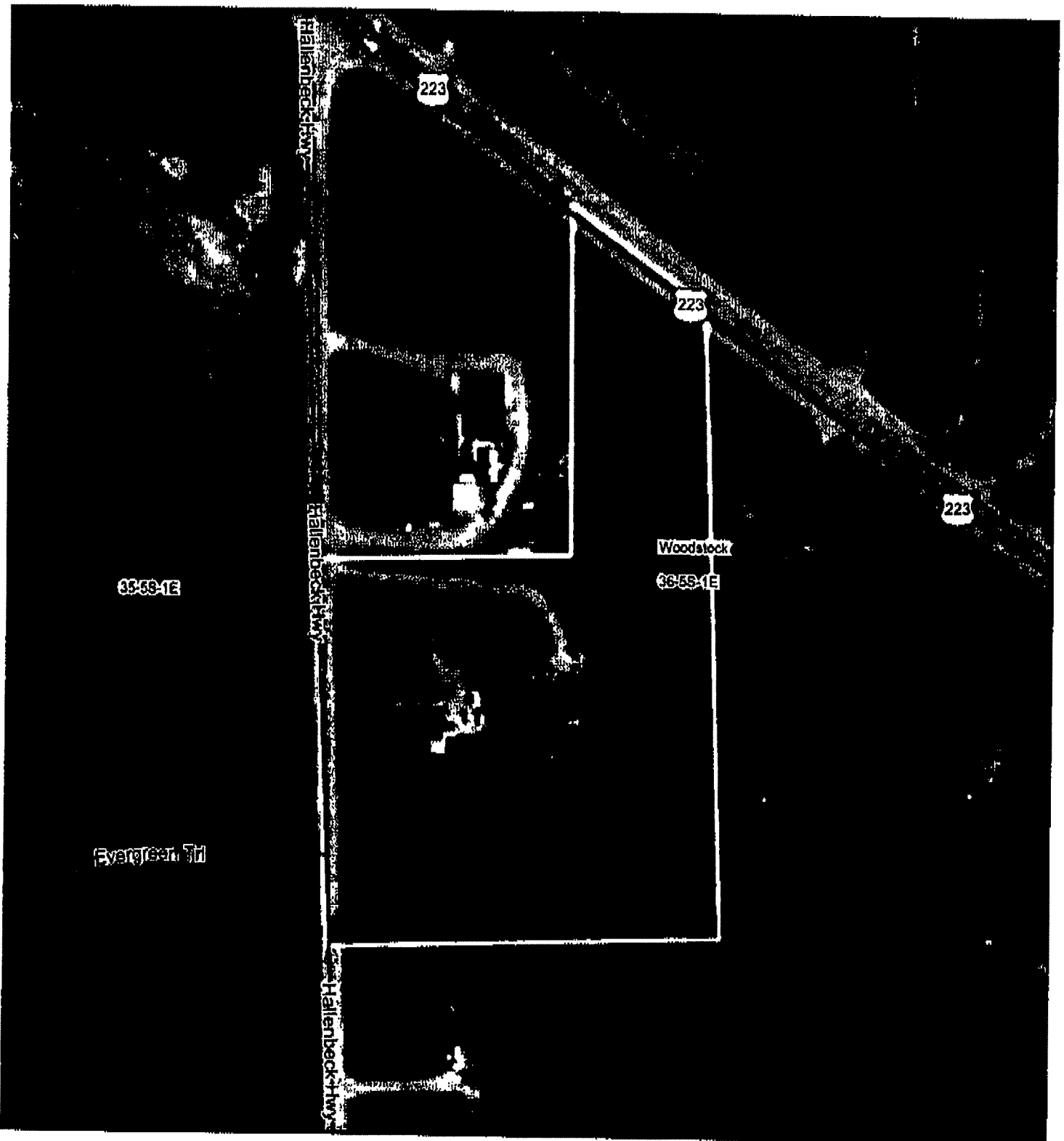
# 7675 Hallenbeck Hwy



04/20/2016



Aerial Map



36-5S-1E

Evergreen Ttl

223

223

223

Woodstock

36-5S-1E

Hallenbeck Hwy

Hallenbeck Hwy

Hallenbeck Hwy

map center: 41° 59' 48.39, -84° 15' 55.94



36-5S-1E  
Lenawee County  
Michigan



4/22/2019



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## COORDINATED ZONING REPORT | #19-06

To: County Planning Commissioners

From: Grant E. Bauman

Date: March 21, 2018

### Proposal: Text Amendments Regarding 'Solar Energy Facilities' to the Adrian Township Zoning Ordinance

The Adrian Township Planning Commission developed a series of text amendments regulating 'Solar Energy Facilities'. The amendments can be described as follows:

- The addition of regulations regarding 'Large Solar Energy Facilities' as Sec. 6.49.
- The addition of regulations regarding 'Small Solar Energy Facilities' as Sec. 5.13 (or Sec. 6.50).
- The addition of definitions regarding 'Solar Energy Facilities' to Sec. 2.2.

### Analysis and Recommendation

**CZC Staff Analysis** – Staff comments/ suggested changes regarding the proposed text are located on the right-hand side of the amendment (see example).

#### ADRIAN TOWNSHIP LENAWEE COUNTY, MICHIGAN SOLAR ORDINANCE

An ordinance to amend Article VI of the Adrian Township Zoning Ordinance by adding Section 6.49 regarding large solar energy facilities (Solar Farms) within the Township; adding Section 6.50 regarding small solar energy facilities; and addition of associated definitions to Article 2.

#### The Township of Adrian ordains:

#### Section 1. Amendment to Article 6

Article 6, Special Provisions, of the Adrian Township Zoning Ordinance is amended by adding Section 6.49, Large Solar Energy Facility, as follows:

#### 6.49 Large Solar Energy Facility (Solar Farm)

The purpose of this Section is to establish minimum requirements and regulations for the siting, installation, operation, repair, decommissioning, and removal of large solar energy facilities (hereafter referred to as Solar Farms), as defined in Section 2.2, while promoting the safe, effective, and efficient use of such energy facilities as a conditional use in specified zoning districts. The following requirements shall apply to all Solar Farms:

- A. **Location.** All Solar Farms are limited to the Agricultural (RA) and Industrial (M) districts.
- B. **Regulations and design standards.** All Solar Farms shall comply with the following minimum regulations and design standards.
  1. **Design Standards**
    - a. **Minimum Lot Size.** No Solar Farm shall be erected on any Zoning Lot less than twenty (20) acres in size (as defined in Section 2.2).

**Commented [GB31]:** Example.

**Commented [GB32]:** The regulations regarding 'small solar energy facilities' are proposed as Sec. 5.13 later in the proposed amendment. The exact location of those regulations must be determined.

**Commented [GB33]:** The term used throughout the Zoning Ordinance is 'permitted principal special land use', and commonly referred to as a 'special land use', rather than a 'conditional use'. This reference should be altered, accordingly.

**Commented [GB34]:** It is not clarified whether 'solar farms' are to be regulated as a 'permitted principal special land use' or a 'permitted principal special land use'. This needs to be decided, and the use should be added to the appropriate listing in the 'Agricultural (RA)' and 'Industrial (M)' districts (Secs. 4.6 and 4.14, respectively). Also, the code for the 'Agricultural' district is listed alternatively as 'RA', 'R-A', and 'AG', throughout the ordinance. This should be standardized.

- b. **Maximum Height.** The maximum height for a solar panel shall be four-teen (14) feet. The maximum height of a Power Switchyard (as defined in Section 2.2) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Farm is located, as listed in Article 4. The height of required lightning rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.
- c. **Setbacks.** Solar Farm facilities and related structures and components shall be set back a minimum of thirty feet (30) from all lot lines. In addition, Solar Farm solar arrays and other structures must be located at least three hundred (300) feet from the road right-of-way along M-52; one hundred fifty (150) feet from the road right-of-way along all other roadways, public and private; and one hundred fifty (150) feet from any lot line adjacent to all existing Residential (R), Urban Residential (R-1), and Multiple Family Residential (R-2) District land and any lot line adjacent to an existing residence at the time the Solar Farm is granted conditional use approval, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.
- d. **Safety/Access**
  - (1) Security fencing shall be installed around the Solar Farm as follows: fencing to be a minimum of six (6) feet and a maximum of eight (8) feet in height; fencing to be located inside the perimeter of screening, if any. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
  - (2) Appropriate warning signage shall be placed at the entrance and perimeter of the Solar Farm.
- e. **Noise.** No component of any Solar Farm shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
  - (1) Fifty (50) dBA, as measured at the property line of any adjacent Residential (R), Urban Residential (R-1), and Multiple-Family Residential (R2) District zoned land in existence at the time the Solar Farm is granted conditional use approval.
  - (2) Forty-five (45) dBA, as measured at any neighboring residence in existence at the time the Solar Farm is granted conditional use approval, between the hours of nine p.m. and seven a.m.
  - (3) Sixty (60) dBA, as measured at the lot lines of the project boundary.
- f. **Visual Appearance**
  - (1) Solar Farm buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the Solar Farm into the existing environment.
  - (2) The perimeter of Solar Farm facilities shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Solar Farm's entire lot perimeter from

**Commented [GB35]:** See the comment in the introductory paragraph for Sec. 6.49.

**Commented [GB36]:** Compliance with all other requirements of Sec 5.4 (Fences, Walls and Screens) should also be required.

**Commented [GB37]:** See the comment in the introductory paragraph for Sec. 6.49.

**Commented [GB38]:** See the comment in the introductory paragraph for Sec. 6.49.

adjacent parcels, subject to the following requirements:

- (a) Unless screened and buffered at all times by natural forest vegetation having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Solar Farms.
  - (b) The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of six (6) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart on center (from the central trunk of one plant to the central trunk of the next plant). Within five (5) years of planting, required evergreen vegetative screening shall be no less than fifteen (15) feet tall.
  - (c) Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Ordinance and sufficient grounds for revocation of any conditional use permit previously granted.
  - (d) An alternate screening method may be considered for approval by the Planning Commission as long as it has a substantially similar obscuring effect of an evergreen buffer.
  - (e) If the Solar Farm is not visible from any road and if the Solar Farm is not visible from any existing residence, the screening requirements may be modified at the discretion of the Planning Commission.
- (3) Lighting of the Solar Farm shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. A photometric study may be used to make this determination.
- (4) No Solar Farm shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Zoning Administrator, or such other person designated by the Township Board, to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Solar Farm shall have a reasonable time (not to exceed 6 months) from the date of such notice to remediate such glare.
- g. Medium Voltage Cable. All medium voltage cable (as defined in Section 2.1) within the project boundary shall be installed underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for Power Switchyards (as defined in Section 2.2) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
2. Local, State and Federal Permits. A Solar Farm shall be required to obtain all necessary permits from the Michigan Department of Environmental Quality and any applicable municipal, county, state, or Federal permits.
  3. Agreements/Easements. If the Zoning Lot (as defined in Section 2.2) on which the project is proposed is to be leased, rather than owned, by the owner of the Solar Farm, all property within the project boundary must be included in a recorded easement(s), lease(s), or con-

**Commented [GB39]:** See the comment in the introductory paragraph for Sec. 6.49.

sent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the owner of the Solar Farm and property owners must be in place prior to commencing construction, unless specified otherwise by the conditional use permit.

- C. Permit Applications. An application for a special use permit to establish a Solar Farm must include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 6.49.B.1 will be met. Supporting documentation for addressing the review criteria of Section 6.49.D and Article 6 (special provisions) is also to be provided. The planning commission and township board may require any information reasonably necessary to determine compliance with this ordinance. The application must also be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
  1. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Solar Farm.
  2. Names of owners of each lot or parcel within Adrian Township that is proposed to be within the Solar Farm.
  3. Vicinity map showing the location of all surrounding land uses.
  4. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Solar Farm
  5. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
  6. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Solar Farm and within 1,000 feet of the outside perimeter of the Solar Farm.
  7. Proposed setbacks from the solar array(s) to all existing and proposed structures within the Solar Farm.
  8. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the Solar Farm.
  9. Access driveways within and to the Solar Farm, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Lenawee County Department of Transportation approval, and shall be planned so as to minimize the use of lands for that purpose.
  10. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Solar Farm.
  11. A written description of the maintenance program to be used for the solar array(s) and other components of the Solar Farm, including decommissioning and removal when determined by the Township to be obsolete, uneconomic, or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Solar Farm becomes obsolete, uneconomic or abandoned.

**Commented [GB310]:** See the comment in the introductory paragraph for Sec. 6.49.

**Commented [GB311]:** The correct name of the agency is the Lenawee County Road Commission.

- 12. A copy of the manufacturer's safety measures.
- 13. Planned lighting protection measures.
- 14. Additional detail(s) and information as required by the conditional use permit requirements of the Zoning Ordinance, or as required by the Planning Commission.

**Commented [GB312]:** See the comment in the introductory paragraph for Sec. 6.49.

It is preferred that any related special use permit applications for substations or new transmission lines be considered in conjunction with the special use permit application for the Solar Farm; however, if the details of those improvements are not available at the time of application for the Solar Farm, they may be considered later, through subsequent special use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the Solar Farm.

Due to the complexity of Solar Farm projects, the Township may require a development agreement or other appropriate instrument to address taxing, property assessment, de-commissioning bond, and other related issues not addressed by this Section. A development agreement may be required as a condition of the permit, and must be approved by the Township Board prior to commencing construction.

- D. **Provisions for Special use permit review.** In addition to the standards set forth for special use approval in Article 6, additional consideration shall be given to the following:
  - 1. **Project Rationale.** Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
  - 2. **Siting Considerations.** Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as areas of environmental concern, parks, trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds; avoiding areas of erodible slopes and soils, where concerns for water quality, land-slide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
  - 3. **Wildlife Habitat Areas and Migration Patterns.** Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with the Michigan Departments of Natural Resources and Environmental Quality will be necessary.
  - 4. **Environmental Analysis.** The planning commission may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
  - 5. **Hazardous Waste.** As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
  - 6. **Transportation Plan for Construction and Operation Phases.** Proof of an agreement with the Lenawee County Department of Transportation and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.
  - 7. **Public Safety.** Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
  - 8. **Decommissioning Plan.** Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project,

**Commented [GB313]:** See the comment in Sec. 6.49.C.9.

including evidence of proposed commitments with affected parties (i.e., Township, any lessor or property owner, etc.) that ensure proper final reclamation of the Solar Farm. Among other things, revegetation and road repair activities should be addressed in the plan. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. The ground must be restored to its original condition within 180 days.

- E. **Application Escrow Account.** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a conditional use permit for a Solar Farm. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the review process shall cease unless and until the applicant makes the required additional escrow deposit.
- F. **Decommissioning Escrow Account.** If a special use permit is approved pursuant to this section, the Township shall require security in the form of a cash deposit, or surety bond acceptable to the Township, which will be furnished to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences on the Solar Farm. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Solar Farm. Such financial security shall be kept in full force and effect during the entire time that the Solar Farm exists or is in place, and such financial security shall be irrevocable and non-cancelable.
- G. **Code Compliance.** Construction of a Solar Farm shall comply with the National Electric Safety Code and any applicable State Building Codes as a condition of any special use permit under this section.
- H. **Certified Solar Array Components.** Components of a Solar Farm shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization acceptable to the Township.
- I. **Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a Solar Farm.

**Commented [GB314]:** See the comment in the introductory paragraph for Sec. 6.49.

**Section 2. Amendment to Article 5**



Article 5, General Provisions, of the Adrian Township Zoning Ordinance is amended by adding Section 5.13, Small Solar Energy Facility, as follows:

**Section 5.13- SMALL SOLAR ENERGY FACILITY.**

Notwithstanding other provisions of this Section of the Ordinance, Small Roof-Mounted or Ground Mounted Solar Energy Facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A Small Solar Energy Facility (as defined in Section 2.2) shall be required to have appropriate building permits.

- A. All Small Solar Energy Facilities are subject to the following minimum requirements:
  1. A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  2. A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Adrian Township acknowledging and approving such connection.
  3. A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.
  4. A ground mounted facility shall not exceed a height of fourteen (14) feet.
  5. The surface area of a ground mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
  6. A ground mounted facility or facility attached to an accessory building shall not be located within the required front yard setback.
  7. The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.
  8. All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:
    - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence meeting the requirements of Section 4.12 and that is at least fifty per-cent (50%) opaque may be used.
    - b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
    - c. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.
  9. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

**Commented [GB315]:** The preamble to the Ordinance states that regulations regarding 'small solar energy facilities' are proposed as Sec. 6.50. The exact location of these regulations must be determined. LCPC staff suggests that Sec. 5.13 is the correct location.

10. All power transmission lines from a ground mounted small solar energy facility to any building or other structure shall be located underground.
  11. A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.
  12. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.  
All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.
  13. The small solar energy facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such facility.
  14. Before any construction can commence on any small solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.
- B. If a ground mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground mounted facility shall be graded and reseeded.
  - C. If a ground mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the Township may pursue a legal action to have the facility removed at the owner's expense.
  - D. **Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

### Section 3. Amendment to Article 2

Article 2 of the Adrian Township Zoning Ordinance is amended by adding the following definitions to Section 2.2:

**Solar Energy Facility:** An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:

- A. **Large Solar Energy Facility (Solar Farm).** A Solar Farm is a utility-scale facility that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. Any ground-mounted facility that covers more than 10,000 square feet is included in this definition.
- B. **Small Solar Energy Facility.** A small solar energy facility is accessory to a principal residential or

small business use and converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. The sale and distribution of excess available energy shall be incidental and not the primary purpose of the facility. For ground-mounted facilities, the total area covered by solar arrays shall not exceed 10,000 square feet.

- C. **Photovoltaics (PV).** A technology that converts light directly into electricity.
- D. **Power Switchyard.** The structure needed to tie the solar energy facility to electric transmission lines.
- E. **Medium Voltage Cable.** 34.5 kV lines which provide electricity to homes.

...

**Zoning Lot.** Provided that the owner(s) of any number of contiguous lots, or contiguous portions of lots, may have as many of said contiguous lots, or contiguous portions of lots, considered as a single lot for the purpose of this Ordinance as he/she so elects, and in such case the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof. This definition shall apply only to the siting of a Solar Farm.

**Section 4. Severability**

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

**CZC Staff Analysis** – Staff has no issue with the aims of the proposed amendments. However, it appears that the public hearing took place several months ago on January 29, 2019 and the notice for the public hearing was published only 11 days prior to the meeting instead of the 15 days required by Sec. 103(1) of the Michigan Zoning Enabling Act (MCL 125.3103(1)). Staff also has numerous comments/suggestions regarding the proposed amendments.

**CZC Staff Recommendation** – Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL WITH COMMENTS** of the proposed amendments regulating ‘solar energy facilities’ to the Adrian Township Board:

- The Adrian Township Planning Commission should hold a new public hearing after considering the LCPC staff suggestions.

<b>Recommended Actions:</b>	
(1)	Recommend <b>APPROVAL</b>
(2)	Recommend <b>DISAPPROVAL</b>
(3)	Recommend <b>APPROVAL WITH COMMENTS</b>
(4)	Take <b>NO ACTION</b>

# ZONING AMENDMENT FORM



## LENAWEE COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Lenawee County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the LCPC recommendation will be mailed back to the Clerk, who will return a copy to the LCPC with the Township Board Action.

THE ADRIAN CHARTER TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Lenawee County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

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

1. The above described property has a proposed zoning change FROM \_\_\_\_\_ ZONE TO \_\_\_\_\_ ZONE.

2. PURPOSE OF PROPOSED CHANGE: \_\_\_\_\_

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE VI 2 SECTION 6.49 6.50

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) \_\_\_\_\_

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

C. PUBLIC HEARING on the above amendment was held on: month JAN day 29 year 2019

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month JAN day 18 year 2019  
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: ADRIAN DAILY TELEGRAM

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to  APPROVE or  DISAPPROVE.

\_\_\_\_\_  
 Chair or  Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**LENAWEE COUNTY PLANNING COMMISSION (LCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The LCPC herewith certifies receipt of the proposed amendment on the above date and:

- Recommends APPROVAL of the zoning change
- Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- Takes NO ACTION.

\_\_\_\_\_, Recording Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment  PASSED,  DID NOT PASS, or was  REFERRED ANEW to the Township Planning Commission.

AFFP  
Main/001/Public Hearing

**Affidavit of Publication**

STATE OF MICHIGAN )  
COUNTY OF LENAWEE ) SS

Emily Gulliksen, being duly sworn, says:

That she is Emily Gulliksen of the The Daily Telegram, a daily newspaper of general circulation, printed and published in Adrian, Lenawee County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

January 18, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

*Emily Gulliksen*  
Emily Gulliksen

Subscribed to and sworn to me this 18th day of January 2019

*Brenda L. Leonard*  
Brenda L. Leonard, Notary, Lenawee County, Michigan

My commission expires: October 06, 2025

**• PUBLIC HEARING •**

THE ADRIAN CHARTER TOWNSHIP PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON JANUARY 29, 2019 AT 7:00PM AT THE TOWNSHIP HALL LOCATED AT 2907 TIPTON HIGHWAY, ADRIAN, MI., TO HEAR COMMENTS IN REGARDS TO A NEW TOWNSHIP SOLAR ORDINANCE. THE ORDINANCE WILL ADDRESS WHERE SOLAR FARMS MAY BE LOCATED, SIZE OF THOSE FARMS AND ALL OTHER PERTINENT INFORMATION IN REGARDS TO THOSE SOLAR FARMS. IT WILL ALSO ADDRESS SOLAR PANELS TO BE USED IN RESIDENTIAL AREAS. A COMPLETE COPY OF THE PROPOSED ORDINANCE IS AVAILABLE AT THE ADRIAN CHARTER TOWNSHIP HALL LOCATED AT 2907 TIPTON HIGHWAY, ADRIAN, MI.

04100088 00253088 (517)263-4162

ADRIAN CHARTER TOWNSHIP  
2907 Tipton Highway  
Adrian, MI 49221

**Marie Nelson**

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**From:** Phil McVay <pmcvay14@gmail.com>  
**nt:** Wednesday, February 6, 2019 7:17 AM  
**To:** ruesinks@yahoo.com> >; Patrick Raje; Denis F. Jodis; Planning Doug McGee; bill maxie; Mary Maxe; Jim Koehn; mnelson@adriantownship.com  
**Subject:** Minutes Adrian Township Planning Commission Special Meeting with regard to Solar Ordinance 1/29/19 Special Meeting with regard to solar ordinance

Minutes from 1/29/19  
Adrian Township Planning Commission  
Special Meeting with regard to Solar Ordinance

1. Call to Order by Pat Raje 6:00
2. Pledge to the flag
3. Roll Call: Present= Jodis, Maxe, McVay, Raje, McGee, Ruesink all in attendance
4. Approval of Agenda: Maxe with second from McGee and Unanimous support
5. Approval of Minutes: Maxe with second from McGee and Unanimous support
6. New Business: Discussion centered around "some individuals with interest in the solar structures felt that the set backs are back too far."
7. Maxe motioned that planning commission adopt the solar ordinance as posed to the Township Board with second from Ruesink and Unanimous support
8. Old Business: None
9. Adjournment: Motion from Maxe with second from Jodis and Unanimous support @6:10

Respectfully Submitted,

Phil McVay, Secretary

ADRIAN TOWNSHIP LENAWEE COUNTY, MICHIGAN  
SOLAR ORDINANCE

*An ordinance to amend Article VI of the Adrian Township Zoning Ordinance by adding Section 6.49 regarding large solar energy facilities (Solar Farms) within the Township; adding Section 6.50 regarding small solar energy facilities; and addition of associated definitions to Article 2.*

**The Township of Adrian ordains:**

**Section 1. Amendment to Article 6**

Article 6, Special Provisions, of the Adrian Township Zoning Ordinance is amended by adding Section 6.49, Large Solar Energy Facility, as follows:

**6.49 Large Solar Energy Facility (Solar Farm)**

The purpose of this Section is to establish minimum requirements and regulations for the siting, installation, operation, repair, decommissioning, and removal of large solar energy facilities (hereafter referred to as Solar Farms), as defined in Section 2.2, while promoting the safe, effective, and efficient use of such energy facilities as a conditional use in specified zoning districts. The following requirements shall apply to all Solar Farms:

A. **Location.** All Solar Farms are limited to the Agricultural (RA) and Industrial (M) districts.

B. **Regulations and design standards.** All Solar Farms shall comply with the following minimum regulations and design standards.

**1. Design Standards**

a. **Minimum Lot Size.** No Solar Farm shall be erected on any Zoning Lot less than twenty (20) acres in size (as defined in Section 2.2).

b. **Maximum Height.** The maximum height for a solar panel shall be four-teen (14) feet. The maximum height of a Power Switchyard (as defined in Section 2.2) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Farm is located, as listed in Article 4. The height of required lightning rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.

c. **Setbacks.** Solar Farm facilities and related structures and components shall be set back a minimum of thirty feet (30) from all lot lines. In addition, Solar Farm solar arrays and other structures must be located at least three hundred (300) feet from the road right-of-way along M-52; one hundred fifty (150) feet from the road right-of-way along all other roadways, public and private; and one hundred fifty (150) feet from any lot line adjacent to all existing Residential (R), Urban Residential (R-1), and Multiple-Family Residential (R-2) District land and any lot line adjacent to an existing residence at the time the Solar Farm is granted conditional use approval, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.

**d. Safety/Access**

(1) Security fencing shall be installed around the Solar Farm as follows: fencing to be a minimum of six (6) feet and a maximum of eight (8) feet in height; fencing to be located inside the perimeter of

screening, if any. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(2) Appropriate warning signage shall be placed at the entrance and perimeter of the Solar Farm.

e. **Noise.** No component of any Solar Farm shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.

(1) Fifty (50) dBA, as measured at the property line of any adjacent Residential (R), Urban Residential (R-1), and Multiple-Family Residential (R2) District zoned land in existence at the time the Solar Farm is granted conditional use approval.

(2) Forty-five (45) dBA, as measured at any neighboring residence in existence at the time the Solar Farm is granted conditional use approval, between the hours of nine p.m. and seven a.m.

(3) Sixty (60) dBA, as measured at the lot lines of the project boundary.

**f. Visual Appearance**

(1) Solar Farm buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the Solar Farm into the existing environment.

(2) The perimeter of Solar Farm facilities shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Solar Farm's entire lot perimeter from adjacent parcels, subject to the following requirements:

(a) Unless screened and buffered at all times by natural forest vegetation having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Solar Farms.

(b) The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of six (6) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart on center (from the central trunk of one plant to the central trunk of the next plant). Within five (5) years of planting, required evergreen vegetative screening shall be no less than fifteen (15) feet tall.

(c) Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Ordinance and sufficient grounds for revocation of any conditional use permit previously granted.

(d) An alternate screening method may be considered for approval by the Planning Commission as long as it has a substantially similar obscuring effect of an evergreen buffer.

(e) If the Solar Farm is not visible from any road and if the Solar Farm is not visible from any existing residence, the screening requirements may be modified at the discretion of the Planning Commission.

(3) Lighting of the Solar Farm shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. A photometric study may be used to make this determination.

(4) No Solar Farm shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Zoning Administrator, or such other person designated by the Township Board, to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Solar Farm shall have a reasonable time (not to exceed 6 months) from the date of such notice to remediate such glare.

g. **Medium Voltage Cable.** All medium voltage cable (as defined in Section 2.1) within the project boundary shall be installed underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for Power Switchyards (as defined in Section 2.2) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.



2. **Local, State and Federal Permits.** A Solar Farm shall be required to obtain all necessary permits from the Michigan Department of Environmental Quality and any applicable municipal, county, state, or Federal permits.

3. **Agreements/Easements.** If the Zoning Lot (as defined in Section 2.2) on which the project is proposed is to be leased, rather than owned, by the owner of the Solar Farm, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the owner of the Solar Farm and property owners must be in place prior to commencing construction, unless specified otherwise by the conditional use permit.

C. **Permit Applications.** An application for a special use permit to establish a Solar Farm must include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 6.49.B.1 will be met. Supporting documentation for addressing the review criteria of Section 6.49.D and Article 6 (special provisions) is also to be provided. The planning commission and township board may require any information reasonably necessary to determine compliance with this ordinance. The application must also be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Solar Farm.
2. Names of owners of each lot or parcel within Adrian Township that is proposed to be within the Solar Farm.
3. Vicinity map showing the location of all surrounding land uses.
4. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Solar Farm
5. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
6. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Solar Farm and within 1,000 feet of the outside perimeter of the Solar Farm.
7. Proposed setbacks from the solar array(s) to all existing and proposed structures within the Solar Farm.
8. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the Solar Farm.
9. Access driveways within and to the Solar Farm, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Lenawee County Department of Transportation approval, and shall be planned so as to minimize the use of lands for that purpose.
10. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Solar Farm.
11. A written description of the maintenance program to be used for the solar array(s) and other components of the Solar Farm, including decommissioning and removal when determined by the Township to be obsolete, uneconomic, or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Solar Farm becomes obsolete, uneconomic or abandoned.
12. A copy of the manufacturer's safety measures.
13. Planned lighting protection measures.

14. Additional detail(s) and information as required by the conditional use permit requirements of the Zoning Ordinance, or as required by the Planning Commission.

It is preferred that any related special use permit applications for substations or new transmission lines be considered in conjunction with the special use permit application for the Solar Farm; however, if the details of those improvements are not available at the time of application for the Solar Farm, they may be considered later, through subsequent special use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the Solar Farm.

Due to the complexity of Solar Farm projects, the Township may require a development agreement or other appropriate instrument to address taxing, property assessment, de-commissioning bond, and other related issues not addressed by this Section. A development agreement may be required as a condition of the permit, and must be approved by the Township Board prior to commencing construction.

**D. Provisions for Special use permit review.** In addition to the standards set forth for special use approval in Article 6, additional consideration shall be given to the following:

1. **Project Rationale.** Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
  2. **Siting Considerations.** Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as areas of environmental concern, parks, trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds; avoiding areas of erodible slopes and soils, where concerns for water quality, land-slide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
  3. **Wildlife Habitat Areas and Migration Patterns.** Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with the Michigan Departments of Natural Resources and Environmental Quality will be necessary.
  4. **Environmental Analysis.** The planning commission may require an analysis of impacts to historic, cultural and archeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
  5. **Hazardous Waste.** As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
  6. **Transportation Plan for Construction and Operation Phases.** Proof of an agreement with the Lenawee County Department of Transportation and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.
  7. **Public Safety.** Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
  8. **Decommissioning Plan.** Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (i.e., Township, any lessor or property owner, etc.) that ensure proper final reclamation of the Solar Farm. Among other things, revegetation and road repair activities should be addressed in the plan. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. The ground must be restored to its original condition within 180 days.
- E. Application Escrow Account.** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a conditional use permit for a Solar Farm. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and

approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the review process shall cease unless and until the applicant makes the required additional escrow deposit.

**F. Decommissioning Escrow Account.** If a special use permit is approved pursuant to this section, the Township shall require security in the form of a cash deposit, or surety bond acceptable to the Township, which will be furnished to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences on the Solar Farm. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Solar Farm. Such financial security shall be kept in full force and effect during the entire time that the Solar Farm exists or is in place, and such financial security shall be irrevocable and non-cancelable.

**G. Code Compliance.** Construction of a Solar Farm shall comply with the National Electric Safety Code and any applicable State Building Codes as a condition of any special use permit under this section.

**H. Certified Solar Array Components.** Components of a Solar Farm shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.

**I. Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a Solar Farm.

#### **Section 2. Amendment to Article 5**

Article 5, General Provisions, of the Adrian Township Zoning Ordinance is amended by adding Section 5.13, Small Solar Energy Facility, as follows:

...

#### **Section 5.13 – SMALL SOLAR ENERGY FACILITY.**

Notwithstanding other provisions of this Section of the Ordinance, Small Roof-Mounted or Ground-Mounted Solar Energy Facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A Small Solar Energy Facility (as defined in Section 2.2) shall be required to have appropriate building permits.

A. All Small Solar Energy Facilities are subject to the following minimum requirements:

1. A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
2. A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Adrian Township acknowledging and approving such connection.
3. A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying

zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.

4. A ground mounted facility shall not exceed a height of fourteen (14) feet.

5. The surface area of a ground mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

6. A ground mounted facility or facility attached to an accessory building shall not be located within the required front yard setback.

7. The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.

8. All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:

a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence meeting the requirements of Section 4.12 and that is at least fifty per-cent (50%) opaque may be used.

b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.

c. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.

9. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

10. All power transmission lines from a ground mounted small solar energy facility to any building or other structure shall be located underground.

11. A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.

12. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.

All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.

13. The small solar energy facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such facility.

14. Before any construction can commence on any small solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.

B. If a ground mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground mounted facility shall be graded and reseeded.

C. If a ground mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building

Inspector. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the Township may pursue a legal action to have the facility removed at the owner's expense.

D. **Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

**Section 3. Amendment to Article 2**

Article 2 of the Adrian Township Zoning Ordinance is amended by adding the following definitions to Section 2.2:

**Solar Energy Facility:** An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:

A. **Large Solar Energy Facility (Solar Farm).** A Solar Farm is a utility-scale facility that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. Any ground-mounted facility that covers more than 10,000 square feet is included in this definition.

B. **Small Solar Energy Facility.** A small solar energy facility is accessory to a principal residential or small business use and converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. The sale and distribution of excess available energy shall be incidental and not the primary purpose of the facility. For ground-mounted facilities, the total area covered by solar arrays shall not exceed 10,000 square feet.

C. **Photovoltaics (PV).** A technology that converts light directly into electricity.

D. **Power Switchyard.** The structure needed to tie the solar energy facility to electric transmission lines.

E. **Medium Voltage Cable.** 34.5 kV lines which provide electricity to homes.

...

**Zoning Lot.** Provided that the owner(s) of any number of contiguous lots, or contiguous portions of lots, may have as many of said contiguous lots, or contiguous portions of lots, considered as a single lot for the purpose of this Ordinance as he/she so elects, and in such case the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof. This definition shall apply only to the siting of a Solar Farm.

**Section 4. Severability**

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

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# Lenawee County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

## PA 116 FARMLAND AGREEMENT | FA #19-17

**Applicant(s):** Norris J. Klump Living Trust  
8271 Ridgeville Road  
Blissfield, MI 49228

**Meeting Date:** June 20, 2019

**Location:** The subject property (ID #RG0-106-1675-00) is located in Section 6 of Riga Township (T8S-R5E) and fronts on Thompson Highway at the intersection with Hazzard Road (see Figure 1).

**Request:** The request is for the termination of Farmland Development Rights Agreement #46-16866A-123116 in its entirety prior to its expiration due to the farmland no longer being economically viable. The detailed explanation for the termination request provided by the applicant is:

‘Trying to sell [the] property and prospective buyers are leery of the program. The property only includes min. acres of tillable land’.

**Future Land Use:** The *Lenawee County Comprehensive Land Use Plan* places the subject properties in an area recommended for ‘Intensive Agricultural’ uses (see Figure 2).

**Staff Comments:** The answer to Question #1 of the application contains an error which needs to be addressed: The applicant is listed as ‘Norris J. Klump’, but (1) a trust is identified in Question #14, (2) the deed states that the property is owned by the ‘Norris J. Klump Living Trust’, and (3) Riga Township sends the tax bill to ‘Norris Klump Farms, Inc., Norris J. Klump Living Trust’. Staff is unsure what the following statement, provided as part of the answer to Question #15, means: ‘The property only includes min. acres of tillable land’.

The 5-acre parcel appears to include a farmstead, including a residence with various barns and outbuildings, as well as farmland (see Figure 3b). The Lenawee County Planning Commission (LCPC) routinely recommends that residences be excluded from PA 116 agreements in order avoid the need for this type of request. Given the potential for the sale of the property, why was the farmstead not excluded from the Farmland Development Rights Agreement?

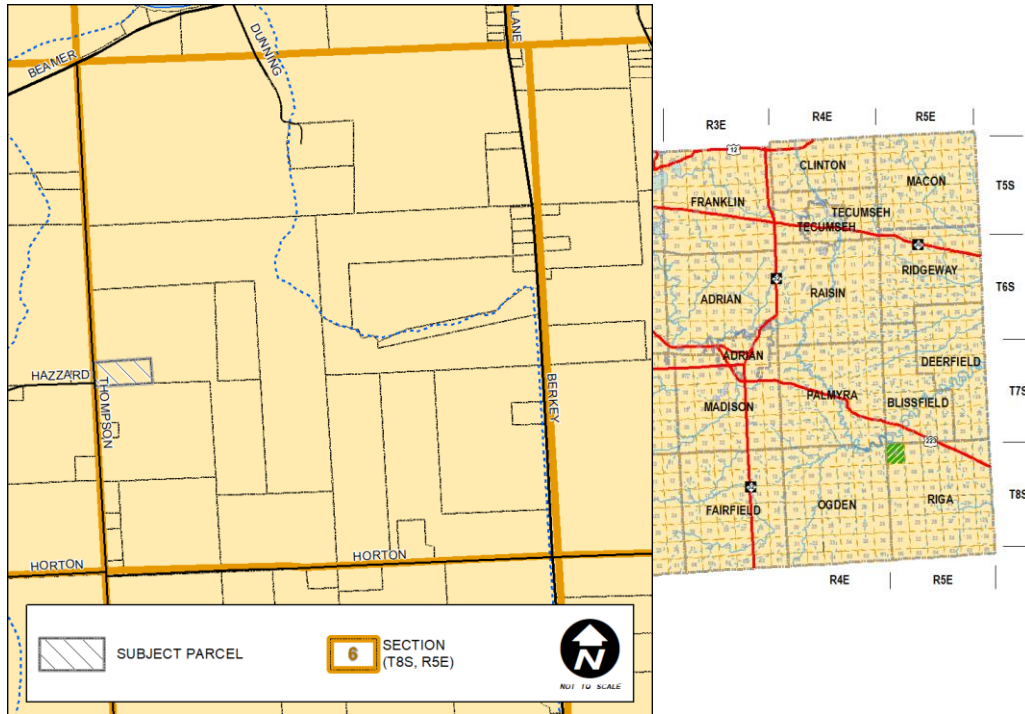
The expiration date of Farmland Development Rights Agreement #46-16866A-123116 was December 31, 2016, according to that document. Why does an expired agreement need to be terminated?

**Staff Advisement:** Based upon this analysis, staff advises the Lenawee County Planning Commission to recommend **DISAPPROVAL** of the PA 116 application to the Riga Township Board.

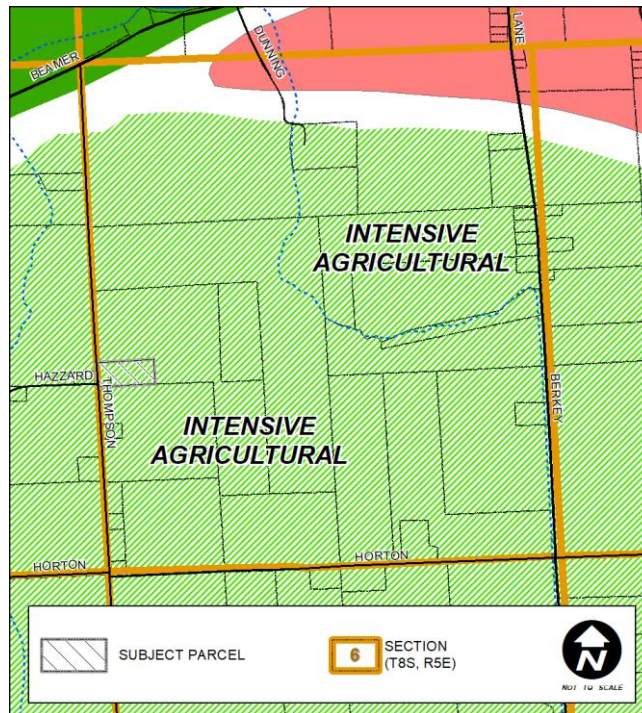
**Attachment(s):**

- Background information provided by the applicant.

**Figure 1  
Location**

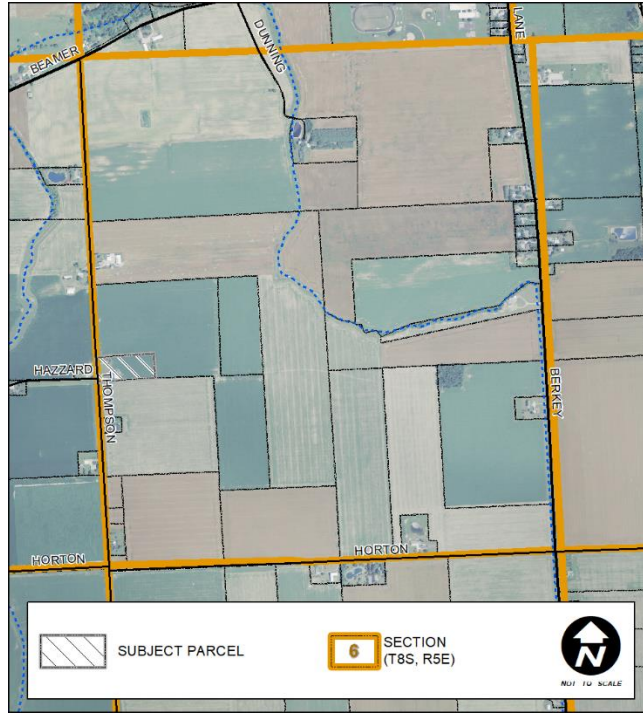


**Figure 2  
County Future Land Use**

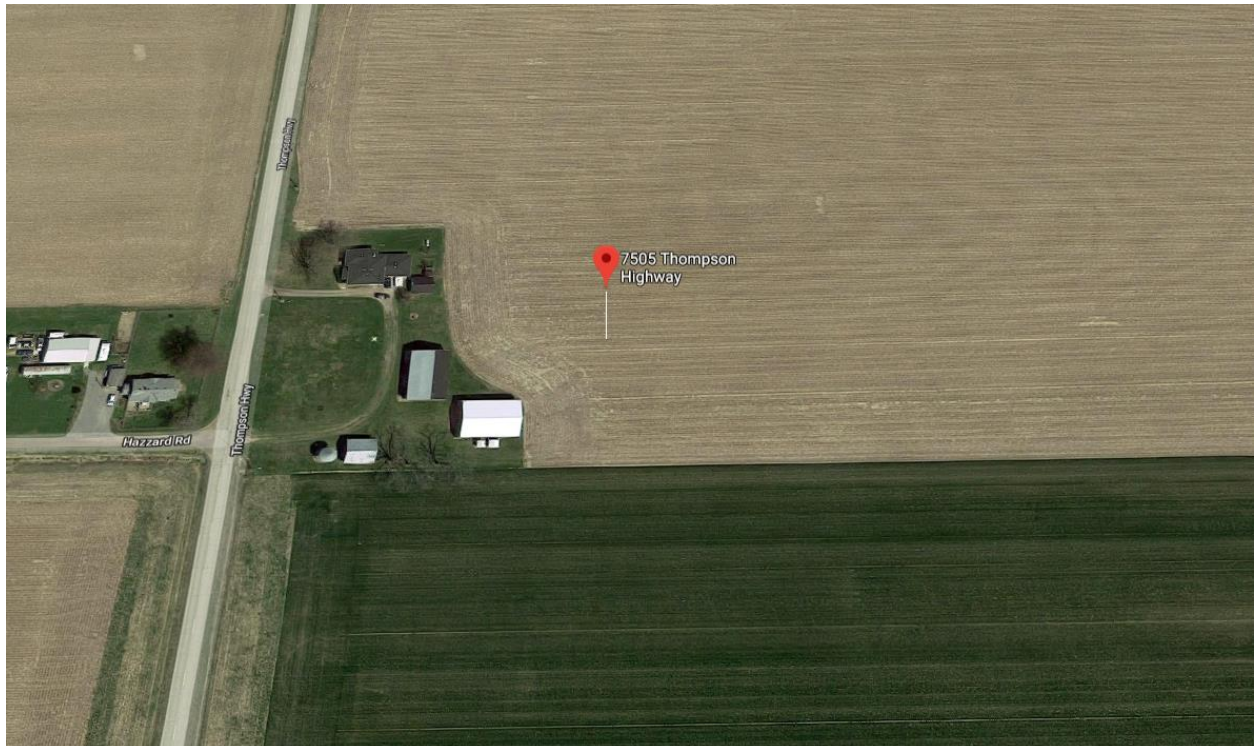




**Figure 3a**  
**Aerial Photograph**



**Figure 3b**  
**Aerial Photograph**





## P.A. 116 Farmland Preservation

### Request for Termination of ENTIRE AGREEMENT Prior to Expiration

Find the type of release that best fits your situation, check that box, then gather the documentation required and submit entire request packet to address shown at the end of this section.

- Termination Due to Death of a Named Person on the Agreement:**  
- Include items 1 & 2 from list below.
- Termination Due to Disability of a Named Person on the Agreement:**  
**Do you have more than one Agreement?**
  - YES** - All Agreements must be terminated when due to disability;  
- List all Agreement numbers: \_\_\_\_\_  
\_\_\_\_\_
  - Include item 3 from list below.
  - NO**  
- Include items 1 & 3 from list below.
- Termination Due to Public Interest:**  
- Include item 4 from list below.
- Termination Due to Farmland is No Longer Economically Viable:**  
- Include item 4 from list below.
- Termination Due to Surrounding Land Uses Restrict Farming:**  
- Include item 4 from list below.
- Termination Due to a Natural, Irreversible Change that Occurred to the Land that Restricts Farming:**  
- Include item 4 from list below.
- Termination Due to a Court Order that Restrict Farming:**  
- Include item 4 from list below.

#### LIST OF ITEMS THAT MAY BE REQUIRED WITH REQUEST

1. The Farmland Development Rights Agreement number or a copy of the Agreement.
2. Copy of the death certificate (request must be within 3 years of date of death).
3. Signed statement from a physician stating the type and severity of the disability, and that the condition represents a total and permanent disability.
4. A completed Application for Termination of a Farmland Development Rights Agreement.

**FARMLAND PROGRAM**  
**MDA-ESD**  
**P.O. Box 30449**  
**LANSING, MI 48909**

**INCOMPLETE REQUESTS WILL BE RETURNED TO SENDER**



# Farmland and Open Space Preservation Program

## APPLICATION FOR TERMINATION OF A FARMLAND DEVELOPMENT RIGHTS AGREEMENT

(Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as P. A. 116. Please read the Requirements and Instructions before filling out this form. Please print or type. Attach additional sheets as needed.)

### OFFICIAL USE ONLY

Local Governing Body:

Date Received: 5/10/19

Application No.: 2019-1

State: \_\_\_\_\_

Date Received: \_\_\_\_\_

Application No.: \_\_\_\_\_

#### A. Personal Information:

1) Name(s) of Applicant: Klump Nazis J.  
(Owner of Record) Last First Initial

Spouse's Name: \_\_\_\_\_  
Last First Initial

2) Mailing address: 8271 E. Ridgeville Rd. Blissfield MI 49228  
Street City State Zip Code

3) Telephone Number: (Area Code) ( ) 517-206-6123

4) XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXX  
Social Security Number Spouse's Social Security Number

5) Federal Employer Identification Number (if applicable): \_\_\_\_\_

6) Farmland Development Rights Agreement # 46-16866A-123116

#### B. Property Location: (Can be taken from the deed.)

7) County: LENAWEE 8) Township, city or village: Riga

9) Section No.: 6; Town #: 8S; Range #: 5E

#### C. Legal Information:

10) Attach a copy of the deed or land contract (may be a photo copy).

11) Attach a copy of the most recent property tax assessment notice or tax bill.

12) Is there a tax lien against the land described above? (may be photo copy)  Yes  No

If "Yes," please explain circumstances: \_\_\_\_\_

13) Is land being purchased under land contract?  Yes  No

a) If "Yes," indicate vendor (seller):

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip Code

b) Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, states that the vendor (seller) must agree to allow the land cited in the application to be released from the program. Please have the land contract seller sign below.

I, the undersigned, understand and agree to permit the land cited in this application to be released from the Farmland and Open Space Preservation Act.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Land Contract Seller's Signature)

ES-012.  
Rev. 5/02





WARRANTY  
DEED

**This Indenture**, Made the 16th day of August A.D., 20 05

Witnesseth, that LARRY I. KLUMP and TINA L. KLUMP, husband and wife, whose address is 9457 E. Horton Rd., Blissfield, MI, 49228, parties

of the first part, for the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars

to them duly paid by NORRIS J. KLUMP LIVING TRUST dated April 26, 1996 whose address is 8271 Ridgeville Rd., Blissfield, MI, 49228, party

of the second part, do \_\_\_\_\_ convey and warrant \_\_\_\_\_

to said part Y of the second part, the following premises situated in the Township of Riga in the County of Lenawee in the State of

Michigan, to-wit: A parcel of land to be surveyed from out of the following:  
Commencing at the West 1/4 post of Section 6, Town 8 South, Range 5 East; thence North along the West line of said Section 17 chains and 75 links to a stake; thence North 87-3/4° East 23 chains and 40 links to a stake; thence South 1/4° East 18 chains and 50 links to a stake; thence South 89-3/4° West 22 chains and 94-1/2 links to the place of beginning;

ALSO, commencing at a stake on the East and West 1/4 line of said Section 6 and 21 chains and 45 links East from the West 1/4 post of said Section; thence North 89-3/4° East 9 chains and 38 links to a stake; thence South 1-3/4° East 21 chains and 32 links to a stake; thence South 89-3/4° West, 9 chains and 38 links to a stake; thence North 1-3/4° West 21 chains and 32 links to the place of beginning.

**EXCEPTING AND RESERVING THEREFROM** all that part of the Northwest fraction 1/4 of Section 6, Town 8 South, Range 5 East, described as beginning at the West 1/4 corner of Section 6, aforesaid; thence North 00°59'02" West 44.70 feet along the West line of the said Northwest fractional 1/4 of Section 6 to the East 1/4 corner of Section 1, Town 8 South, Range 4 East; thence North 00°51'49" West 260.00 feet along the said West line of the Northwest fractional 1/4 of Section 6; thence North 89°45'00" East 714.85 feet; thence South 00°52'55" East 304.70 feet; thence South 89°45'00" West 714.85 feet along the South line of the said Northwest fractional 1/4 of Section 6 to the point of beginning. Containing 5.00 acres. Subject to highway easements and all other easements and restrictions of record, if any. Bearings are referenced to a survey by James Blair dated August 7, 8 and 9, 1882.

Description taken from American Title Company Commitment No. 42513 dated July 11, 2005 and Certificate of Survey of Associated Engineers & Surveyors, Inc. dated May 31, 2005; Job No. 050540

The Grantors also grant to the Grantee the right to make all possible divisions under Section 108 of the Land Division Act, Act No. 288 of Public Acts of 1967.

The above described premises may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

17<sup>00</sup> - VACHL 1,118.<sup>00</sup>

RCO-106-1600-50

*Larry I. Klump*

Larry I. Klump

(L.S.)

*Tina L. Klump*

Tina L. Klump

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

50505  
Page: 08/19/11  
L-2305  
Register of Deeds, Lenawee Co. D. MR 17.00

STATE OF MICHIGAN, ss.

County of LENAWEE

On this 16th day of August

A.D. 20 05, before me, a Notary Public in and for said County, personally appeared Larry I. Klump and Tina L. Klump, husband and wife,

to me known to be the same person<sup>s</sup> described in and who executed the within instrument, and who acknowledged the same to be their free act and deed.

*Frank C. Riley*

Frank C. Riley  
Notary Public for Lenawee County, Michigan  
Acting in Lenawee County, Michigan  
My Commission expires March 18, 2011

STATE OF MICHIGAN, ss.

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_

A.D. 20 \_\_\_\_\_, before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_

to me known to be the same person \_\_\_\_\_ described in and who executed the within instrument, and who acknowledged the same to be \_\_\_\_\_ free act and deed.

Prepared by:  
**Frank C. Riley**  
RILEY & RILEY  
Attorneys At Law  
107 Jefferson Street  
P. O. Box 50  
Blissfield, Michigan 49228

Notary Public for \_\_\_\_\_ County, Michigan.

My Commission expires \_\_\_\_\_

**DEED**

**WARRANTY**

**LARRY I. KLUMP and  
TINA L. KLUMP**

TO

**NORRIS KLUMP LIVING TRUST**

NOTARY'S OFFICE ss.

County

ed for Record the

A. D., 20 \_\_\_\_\_

o'clock \_\_\_\_\_ M., and Recorded

of Deeds on page \_\_\_\_\_

Register of Deeds

LAW OFFICES

of

RILEY & RILEY

Attorneys At Law

107 Jefferson Street

P. O. Box 50

Blissfield, Michigan 49228

N



E

S



# TOWNSHIP OF RIGA

P.O. Box 25  
Riga, MI 49276  
734-347-8109

Natalie Thompson, Clerk      Gary Lee Kastel, Supervisor  
Brenda Buyaki Delgado, Trustee

Katy Gust, Treasurer  
Karlene Goetz, Trustee

## FROM THE OFFICE OF CHRIS RENIUS, ASSESSOR

May 9, 2019

Mr. Norris Klump Farms Inc.  
Norris J. Klump Living Trust  
8271 Ridgeville Road  
Blissfield, MI 49228

RE: PA 116 Agreement 46-16866A-123136

To Whom It May Concern,

As required with a requested release of a property from a PA 116 agreement, please find the past 7 years of taxable value for the parcel requesting release:

Parcel Number: RG0-106-1675-00

2013: \$58,000  
2014: \$57,700  
2015: \$58,623  
2016: \$58,798  
2017: \$59,327  
2018: \$60,572  
2019: \$62,025

Best regards,



Christopher Renius, MAAO  
Riga Township Assessor

OFFICIAL TAX STATEMENT

RIGA TOWNSHIP  
 KATY GUST, TREASURER  
 13708 YANKEE RD  
 OTTAWA LAKE, MI 49267



PLEASE RETURN THIS PORTION WITH PAYMENT	THANK YOU.
<b>THIS TAX IS PAYABLE: DEC 1, 2018 THRU FEB 14, 2019</b>	
After 2/14/2019, additional interest and fees apply	
2018 Summer	Tax for Prop #: RGO-106-1675-00

**TAXPAYER NOTE:** Are your name & mailing address correct? If not, please make corrections below. Thank You.

Property Addr: 7505 THOMPSON HWY

To: KLUMP, NORRIS, FARMS INC  
 NORRIS J KLUMP LIVING TRUST  
 8271 RIDGEVILLE RD  
 BLISSFIELD MI 49228

**Tax for Prop#: RGO-106-1675-00**

**Make Check Payable To: RIGA TOWNSHIP**

**TOTAL AMOUNT DUE: 697.41**

Please detach along perforation. Keep the bottom portion.

**RIGA TOWNSHIP 2018 Summer Tax Bill**

<p><b>MESSAGE TO TAXPAYER</b>                  RIGA TWP OFFICE WILL BE OPEN FOR COLLECTION                  THURSDAYS JULY 12;26; AUGUST 9;30; FROM 10 AM TO 2 PM;                  MONDAY SEPT 10TH 4 PM - 7 PM; FRIDAY SEPTEMBER 14TH 9AM - 5PM                   PAYMENTS CAN BE MAILED TO 13708 YANKEE RD, OTTAWA LAKE, MI 49267, OR DROP IN DROP BOX LOCATED ON WEST OFFICE DOOR.                   PHONE 734-347-4109</p>	<p><b>PAYMENT INFORMATION</b>                  This tax is payable: Dec 1, 2018 thru Feb 14, 2019                   Pay by mail to: RIGA TOWNSHIP                  KATY GUST, TREASURER                  13708 YANKEE RD                  OTTAWA LAKE, MI 49267</p>																		
<p><b>PROPERTY INFORMATION</b>                  Property Assessed To:                  KLUMP, NORRIS, FARMS INC                  NORRIS J KLUMP LIVING TRUST                  8271 RIDGEVILLE RD                  BLISSFIELD, MI 49228                  School: 46040 BLISSFIELD                  Prop #: RGO-106-1675-00                  Prop Addr: 7505 THOMPSON HWY  <b>Legal Description:</b>                  LD DES AS BEG AT THE W1/4 COR OF SEC 6 T8S R5E TH N 44.70 FT ALG THE W LI OF THE NW FRL 1/4 OF SD SEC TO THE E1/4 COR OF SEC 1 T8S R4E TH N 260 FT ALG THE SD W LI OF NW FRL 1/4 OF SD SEC TH N89°45'00"E 714.85 FT TH S 304.70 FT TH S89°45'00"W 714.85 FT ALG THE S LI OF SD NW FRL 1/4 OF SD SEC TO POB (SURVEY 5 AC)</p>	<p><b>TAX DETAIL</b></p> <table> <tr> <td>Taxable Value:</td> <td>60,572</td> <td></td> </tr> <tr> <td>State Equalized Value:</td> <td>67,100</td> <td></td> </tr> <tr> <td>Assessed Value:</td> <td>67,100</td> <td>Class: 401</td> </tr> <tr> <td>P.R.E. %:</td> <td>0.0000</td> <td></td> </tr> </table>	Taxable Value:	60,572		State Equalized Value:	67,100		Assessed Value:	67,100	Class: 401	P.R.E. %:	0.0000							
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Assessed Value:	67,100	Class: 401																	
P.R.E. %:	0.0000																		
<p>*BALANCE OF DESCRIPTION ON FILE*</p>	<table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>MILLAGE</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>STATE ED</td> <td>6.00000</td> <td>363.43</td> </tr> <tr> <td>COUNTY OPER</td> <td>5.40000</td> <td>327.08</td> </tr> <tr> <td><b>Total Tax</b></td> <td></td> <td><b>690.51</b></td> </tr> <tr> <td>Administration Fee</td> <td></td> <td>6.90</td> </tr> <tr> <td><b>TOTAL AMOUNT DUE</b></td> <td></td> <td><b>697.41</b></td> </tr> </tbody> </table>	DESCRIPTION	MILLAGE	AMOUNT	STATE ED	6.00000	363.43	COUNTY OPER	5.40000	327.08	<b>Total Tax</b>		<b>690.51</b>	Administration Fee		6.90	<b>TOTAL AMOUNT DUE</b>		<b>697.41</b>
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<b>TOTAL AMOUNT DUE</b>		<b>697.41</b>																	
<p><b>OPERATING FISCAL YEARS</b>                  The taxes on bill will be used for governmental operations for the following fiscal year(s):                  County: JAN 1 - DEC 31                  Twn/Cty: JAN 1 - DEC 31                  School: JULY 1 - JUNE 30                  State: OCT 1 - SEPT 30</p>																			

COPY



### STATE OF MICHIGAN - FARMLAND DEVELOPMENT RIGHTS AGREEMENT

THIS FARMLAND DEVELOPMENT RIGHTS AGREEMENT, MADE AND EXECUTED THIS 24<sup>TH</sup> day of MARCH AD, 2009 by and between Norris Klump Farms, Inc. hereinafter referred to as the "Owner" and the Department of Agriculture for and on behalf of the State of Michigan; WITNESSETH WHEREAS, the Owner owns real property in the County of Lenawee, State of Michigan, hereinafter referred to as the "Subject Property", which is described as follows: All that part of the NW 1/4 of Sec 6, desc as beg at the W 1/4 cor of Sec 6, aforesaid, th N 00deg59'02" W 44.70 ft alg the W ln of the sd NW 1/4 of Sec 6 to the E 1/4 cor of Sec 1, th N 00deg51'49" W 260 ft alg the sd W ln of the NW 1/4 of Sec 6, th N 89deg45'00" E 714.85 ft, th S 00deg52'55" E 304.70 ft, th S 89deg45'00" W 714.85 ft alg the S ln of the sd NW 1/4 of Section 6 to the POB; subj to HWY easements and all other easements and restrictions of record, if any; All land desc located in Section 6, T8S, R5E, Riga Township, Lenawee County, Michigan. (5)

contains 5 Acres

This Agreement shall serve notice of the removal and replacement of a similar Agreement recorded in Liber 2348, Page 539 in the Lenawee County Register of Deeds Office at 12:03 PM on July 6, 2007.

WHEREAS, Subject Property is now devoted to agricultural uses and uses compatible thereto; and WHEREAS, the Owner and State of Michigan desire to limit the use of Subject Property to agricultural uses and uses compatible thereto in order to preserve a maximum of agricultural land, to conserve Michigan's economic resources, to maintain the agricultural economy, to assure a supply of food and fiber for future residents of the State and to discourage the premature and unnecessary conversion of agricultural land to more intensive uses, recognizing that such land has public value as agricultural land and constitutes an important physical, social, aesthetic and economic asset to the Owner and the State; and WHEREAS, both the Owner and the State of Michigan intend that the terms, conditions and restrictions of this Agreement be consistent with those Agreements authorized by Part 361 of the Natural Resource and Environmental protection Act, Act 451 of the Public Acts of 1994 (being Sections 324.36101 to 324.36117 of Michigan Compiled Laws annotated). NOW, THEREFORE, the parties hereto for and in consideration of benefits to each of them accruing by virtue hereof AGREE that:

1. This Agreement is made and entered into pursuant to the provisions of Part 361 of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994 and all of the provisions of said Act are incorporated herein by reference and made a part thereof.
2. A structure shall not be built on the Subject Property except for use consistent with farm operations or with the approval of the local governing body and the state land use agency.
3. Land improvements shall not be made except for use consistent with farm operations or with the approval of the local governing body and the state land use agency.
4. Any interest in the subject property shall not be sold except a scenic, access or utility easement which does not substantially hinder farm operations.
5. (Mineral Rights)The exploration and extraction for natural gas and oil is hereby permitted provided the Department of Agriculture shall be notified by the owner when such activity takes place. The extraction of other surface and sub-surface minerals is hereby prohibited unless specifically approved by the Department of Agriculture, and the Riga Township Board.
6. The term of this Agreement shall be for **Thirty-seven (37)** years, commencing on the 1<sup>st</sup> day of January, 1980, and ending on the 31<sup>st</sup> day of December, 2016.
7. This agreement may be terminated subject to the same provisions and with like penalties as set forth in Part 361 of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994 for the termination of said Agreements.
8. If the Subject Property is sold to another party whose name does not appear on this Agreement, the seller must obtain a signed statement from the purchaser which declares that the purchaser will honor all conditions and restrictions contained in this Agreement and declares that the purchaser will assume responsibilities for all payback and/or penalty provisions provided by law.
9. This Agreement shall constitute a covenant running with the land and shall be binding upon and inures to the benefit of the heirs, executors, administrators, successors, trustees and assigns to the parties.

IN WITNESS WHEREOF, the party(ies) have executed this Agreement as of the date above written. **Norris Klump Farms, Inc.**  
(X) Norris J. Klump, President (X) \_\_\_\_\_  
(X) \_\_\_\_\_ (X) \_\_\_\_\_  
8271 Ridgeville Rd  
Blissfield MI 49228

46-16866A-123116 80EXTENSION  
sac

Corporate Acknowledgment

STATE OF MICHIGAN )
COUNTY OF LENAWE

Prepared by:
James A. Johnson, Director
ENVIRONMENTAL STEWARDSHIP DIVISION
MICHIGAN DEPARTMENT OF AGRICULTURE
PO BOX 30449
LANSING MI 48909-7949

On this 24TH day of MARCH AD 2009, before me, a Notary Public, personally appeared NORRIS J. KLUM to me personally known who being by me duly sworn, did say that they are PRESIDENT and respectively, of the NORRIS KLUMP FARMS, INC and that the seal affixed to the foregoing instrument is the corporate seal of the said corporation by authority of its Board of Directors and that they acknowledged said agreement to be their free act and deed of said corporation in whose behalf they act.

(x) [Signature]
Notary Public JODIE LYNN JOHNSON

My Commission Expires: JULY 24, 2013

LENAWEE County, Michigan
ACTING IN LENAWE COUNTY
JODIE LYNN JOHNSON
Notary Public, Lenawee Co., MI
Acting in Lenawee Co., MI
My Comm. Expires July 24, 2013

SPACE BELOW FOR DEPARTMENT USE ONLY
Department of Agriculture
State of Michigan

By: Jarrod Thelen, Resource Analyst
Farmland & Open Space Preservation Unit
Environmental Stewardship Division

STATE OF MICHIGAN )
COUNTY OF INGHAM ) ss.

On this day of AD, before me, a Notary Public in and for said County personally appeared Jarrod Thelen, Resource Analyst, to me known to be the same person who executed the foregoing agreement, and who acknowledged the same to be his free act and deed and the free act of the Department of Agriculture for the State of Michigan in whose behalf he acts.

Katharine McGarry, Notary Public
Eaton County acting in Ingham County, Michigan
My Commission Expires: January 28, 2013

Google Maps 7505 Thompson Hwy



Imagery ©2019 Google, Map data ©2019 Google 100 ft

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# Lenawee County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

## PA 116 FARMLAND AGREEMENT | FA #19-18

**Applicant(s):** Lawrence W. Fisher and Kay C. Fisher Income Trust  
3371 Wellsville Highway  
Palmyra, MI 49268

**Meeting Date:** June 20, 2019

**Location:** The subject property (ID #PA0-113-4055-00) is located in Section 13 of Palmyra Township (T7S,R4E) and fronts on Rouget Road, between Grosvenor and Wellsville Highways (see Figure 1).

**Description:** The subject property has an area of approximately 78 acres and approximately 71.4 acres are in cultivation for cash crops. Roughly 6.6 acres are accounted for in the 'other' category; *the Pease Drain traverses the southern third of the parcel and the Colvin Drain traverses its northern third*. What appears to be the farmstead originally associated with the subject property has been split off and no buildings are located on the site (see Figures 3a & 3b).

**Term:** 20 years is the proposed term.

**Future Land Use:** The *Lenawee County Comprehensive Land Use Plan* places the subject properties in an area recommended for 'Intensive Agricultural' uses (see Figure 2).

**Staff Comments:** The application contains various errors/omissions which need to be addressed:

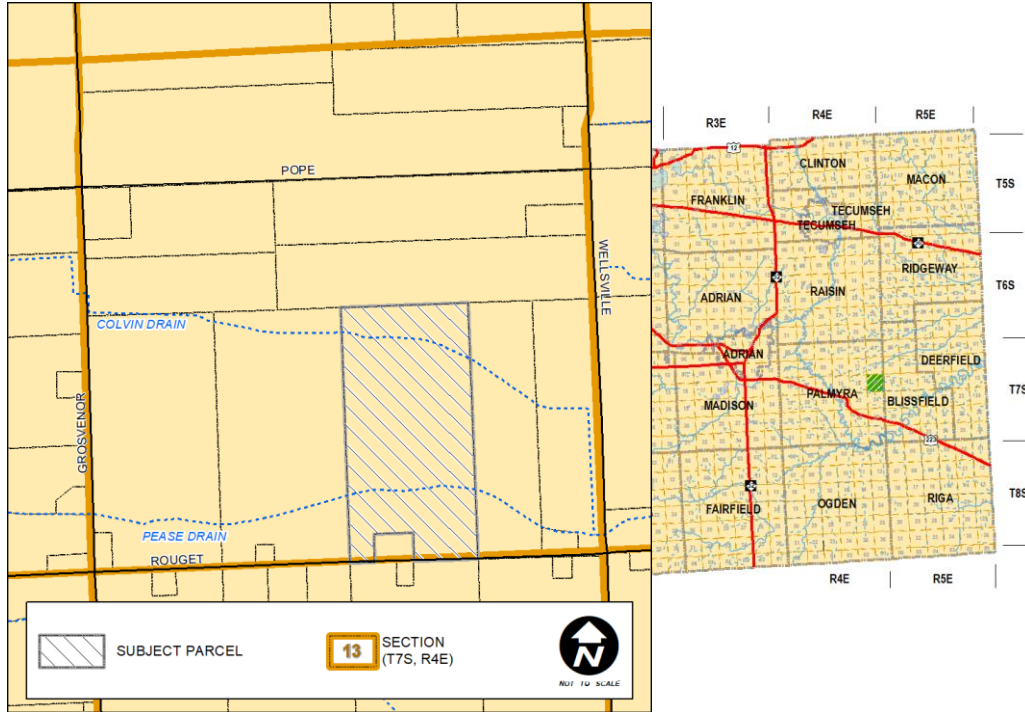
- *Question #15:* Kay C. Fisher was listed as a trustee but the position held by Lawrence W. Fisher was not included.

**Staff Advisement:** Based upon this analysis, staff advises the Lenawee County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the PA 116 application to the Palmyra Township Board.

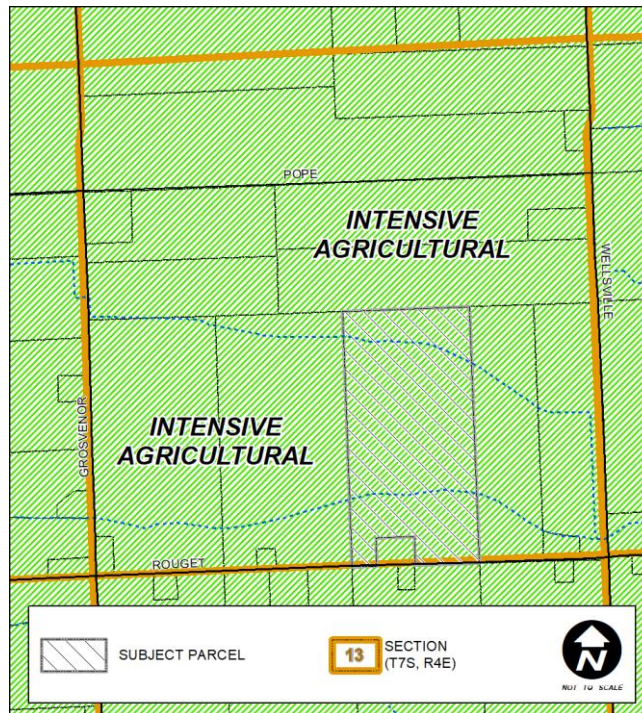
**Attachment(s):**

- Background information provided by the applicant.

**Figure 1  
Location**



**Figure 2  
County Future Land Use**

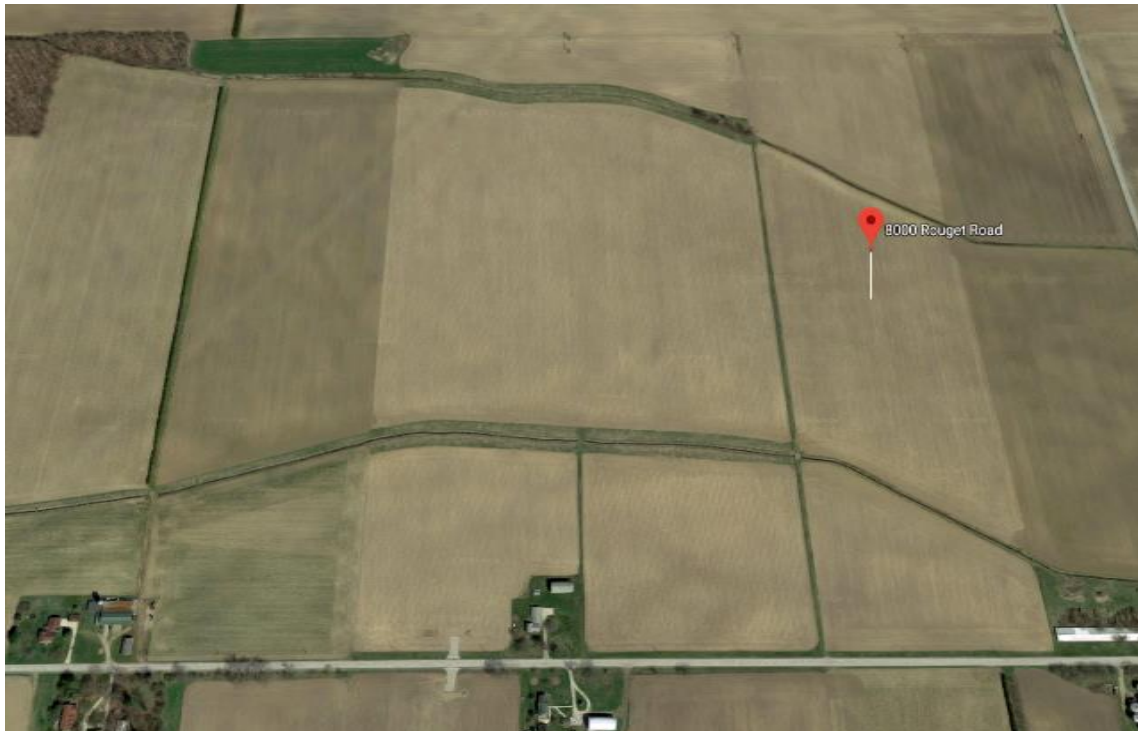




**Figure 3a**  
**Aerial Photograph**



**Figure 3b**  
**Aerial Photograph**





**FARMLAND AND OPEN SPACE PRESERVATION PROGRAM**

**Application for Farmland Agreement**

Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.

Please print or type. Attach additional sheets as needed. **Please read the Eligibility and Instructions document before filling out this form.**

**OFFICIAL USE ONLY**

Local Governing Body: \_\_\_\_\_

Date Received: 05-23-2019

Application No: 2019-03

State: \_\_\_\_\_

Date Received: \_\_\_\_\_

Application No: \_\_\_\_\_

Approved: \_\_\_\_\_ Rejected: \_\_\_\_\_

**ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR**

**I. Personal Information:**

1. Name(s) of Applicant: THE LAWRENCE W. FISHER AND KAY C. FISHER INCOME TRUST DATED APRIL 23, 1997  
Last First Initial

(If more than two see #15) \_\_\_\_\_  
Last First Initial

Marital status of all individual men listed on application, if more than one, indicate status after each name:  
 Married  Single

2. Mailing Address: 3371 Wellsville Hwy. Palmyra MI 49268  
Street City State Zip Code

3. Telephone Number: (Area Code) ( ) 673-0698

4. Alternative Telephone Number (cell, work, etc.): (Area Code) ( ) n/a

5. E-mail address: n/a

**II. Property Location (Can be taken from the Deed/Land Contract)**

6. County: Lenawee 7. Township, City or Village: Palmyra

8. Section No. 13 Town No. 7S Range No. 4E

**III. Legal Information:**

9. Attach a clear copy of the deed, land contract or memorandum of land contract. (See #14)

10. Attach a clear copy of the most recent tax assessment or tax bill with complete tax description of property.

11. Is there a tax lien against the land described above?  Yes  No

If "Yes", please explain circumstances: \_\_\_\_\_

12. Does the applicant own the mineral rights?  Yes  No

If owned by the applicant, are the mineral rights leased?  Yes  No

Indicate who owns or is leasing rights if other than the applicant: \_\_\_\_\_

Name the types of mineral(s) involved: \_\_\_\_\_

13. Is land cited in the application subject to a lease agreement (other than for mineral rights) permitting a use for something other than agricultural purposes:  Yes  No If "Yes", indicate to whom, for what purpose and the number of acres involved: \_\_\_\_\_

14. Is land being purchased under land contract  Yes  No: If "Yes", indicate vendor (seller):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street City State Zip Code

14a. Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, states that the vendor (seller) must agree to allow the land cited in the application to be enrolled in the program. Please have the land contract sellers sign below. (All sellers must sign).

Land Contract Vendor(s): I, the undersigned, understand and agree to permit the land cited in this application into the Farmland and Open Space Preservation Program.

Date \_\_\_\_\_ Signature of Land Contract Vendor(s) (Seller) \_\_\_\_\_

15. If the applicant is one of the following, please check the appropriate box and complete the following information (if the applicant is not one of the following – please leave blank):

- 2 or more persons having a joint or common interest in the land
- Corporation
- Estate
- Limited Liability Company
- Trust
- Partnership
- Association

If applicable, list the following: Individual Names if more than 2 Persons; or President, Vice President, Secretary, Treasurer; or Trustee(s); or Members; or Partners; or Estate Representative(s):

Name: Kay C. Fisher Title: Trustee

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

(Additional names may be attached on a separate sheet.)

IV. Land Eligibility Qualifications: Check one and fill out correct section(s)  
This application is for:

- a. 40 acres or more —————> complete only Section 16 (a thru g);
- b. 5 acres or more but less than 40 acres —————> complete only Sections 16 and 17; or
- c. a specialty farm —————> complete only Sections 16 and 18.

16. a. Type of agricultural enterprise (e.g. livestock, cash crops, fruit, etc):

**Cash Crops**

- b. Total number of acres on this farm 78 Acres
- c. Total number of acres being applied for (if different than above): \_\_\_\_\_
- d. Acreage in cultivation: 71.4
- e. Acreage in cleared, fenced, improved pasture, or harvested grassland: 0
- f. All other acres (swamp, woods, etc.) 6.6
- g. Indicate any structures on the property: (If more than one building, indicate the number of buildings):

No. of Buildings  Residence: \_\_\_\_\_ Barn: \_\_\_\_\_ Tool Shed: \_\_\_\_\_  
 Silo: \_\_\_\_\_ Grain Storage Facility: \_\_\_\_\_ Grain Drying Facility: \_\_\_\_\_  
 Poultry House: \_\_\_\_\_ Milking Parlor: \_\_\_\_\_ Milk House: \_\_\_\_\_  
 Other: (Indicate) \_\_\_\_\_

17. To qualify as agricultural land of 5 acres or more but less than 40 acres, the land must produce a minimum average gross annual income of \$200.00 per acre from the sale of agricultural products.

Please provide the average gross annual income per acre of cleared and tillable land during 2 of the last 3 years immediately preceding this application **from the sale of agricultural products (not from rental income):**

\$ \_\_\_\_\_ : \_\_\_\_\_ = \$ \_\_\_\_\_ (per acre)  
total income total acres of tillable land

18. To qualify as a specialty farm, the land must be designated by MDARD, be 15 acres or more in size, and produce a gross annual income from an agricultural use of \$2,000.00 or more. If a specialty farm, indicate average gross annual income during 2 of the last 3 years immediately preceding application from the sale of agricultural products: \$ \_\_\_\_\_

Please note: specialty farm designation may require an on-the-farm site visit by an MDARD staff person.

19. What is the number of years you wish the agreement to run? (Minimum 10 years, maximum 90 years); 20

V. Signature(s):

20. The undersigned declare that this application, including any accompanying informational material, has been examined by them and to the best of their knowledge and belief is true and correct.

Kay C. Fisher  
(Signature of Applicant)

(Corporate Name, If Applicable)

(Co-owner, If Applicable)

(Signature of Corporate Officer)

May 20, 2019

Trustee

(Date)

(Title)

**ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR.**

**RESERVED FOR LOCAL GOVERNMENT USE: CLERK PLEASE COMPLETE SECTIONS I & II**

I. Date Application Received: 05-23-2019 (Note: Local Governing Body has 45 days to take action)

Action by Local Governing Body: Jurisdiction: Palmyra Township  
 County  Township  City  Village

This application is  approved,  rejected

Date of approval or rejection: June 13, 2019

(If rejected, please attach statement from Local Governing Body indicating reason(s) for rejection.)

Clerk's Signature: Christine Whited

Property Appraisal: \$ \_\_\_\_\_ is the current fair market value of the real property in this application.

II. Please verify the following:

Upon filing an application, clerk issues receipt to the landowner indicating date received.

Clerk notifies reviewing agencies by forwarding a copy of the application and attachments

\_\_\_ If rejected, applicant is notified in writing within 10 days stating reason for rejection and the original application, attachments, etc. are returned to the applicant. Applicant then has 30 days to appeal to State Agency.

If approved, applicant is notified and the original application, all supportive materials/attachments, and letters of review/comment from reviewing agencies (if provided) are sent to:

**MDARD-Farmland and Open Space Program, PO Box 30449, Lansing 48909**

**\*Please do not send multiple copies of applications and/or send additional attachments in separate mailings without first contacting the Farmland Preservation office.**

Please verify the following regarding Reviewing Agencies (sending a copy to reviewing agencies is required):

**COPY SENT TO:**

County or Regional Planning Commission

Conservation District

\_\_\_ Township (if county has zoning authority)

\_\_\_ City (if land is within 3 miles of city boundary)

\_\_\_ Village (if land is within 1 mile of village boundary)

**Before forwarding to State Agency, FINAL APPLICATION SHOULD INCLUDE:**

\_\_\_ Copy of Deed or Land Contract (most recent showing current ownership)

\_\_\_ Copy of most recent Tax Bill (must include tax description of property)

\_\_\_ Map of Farm

\_\_\_ Copy of most recent appraisal record

\_\_\_ Copy of letters from review agencies (if available)

\_\_\_ Any other applicable documents

**Questions? Please call Farmland Preservation at (517) 284-5663**

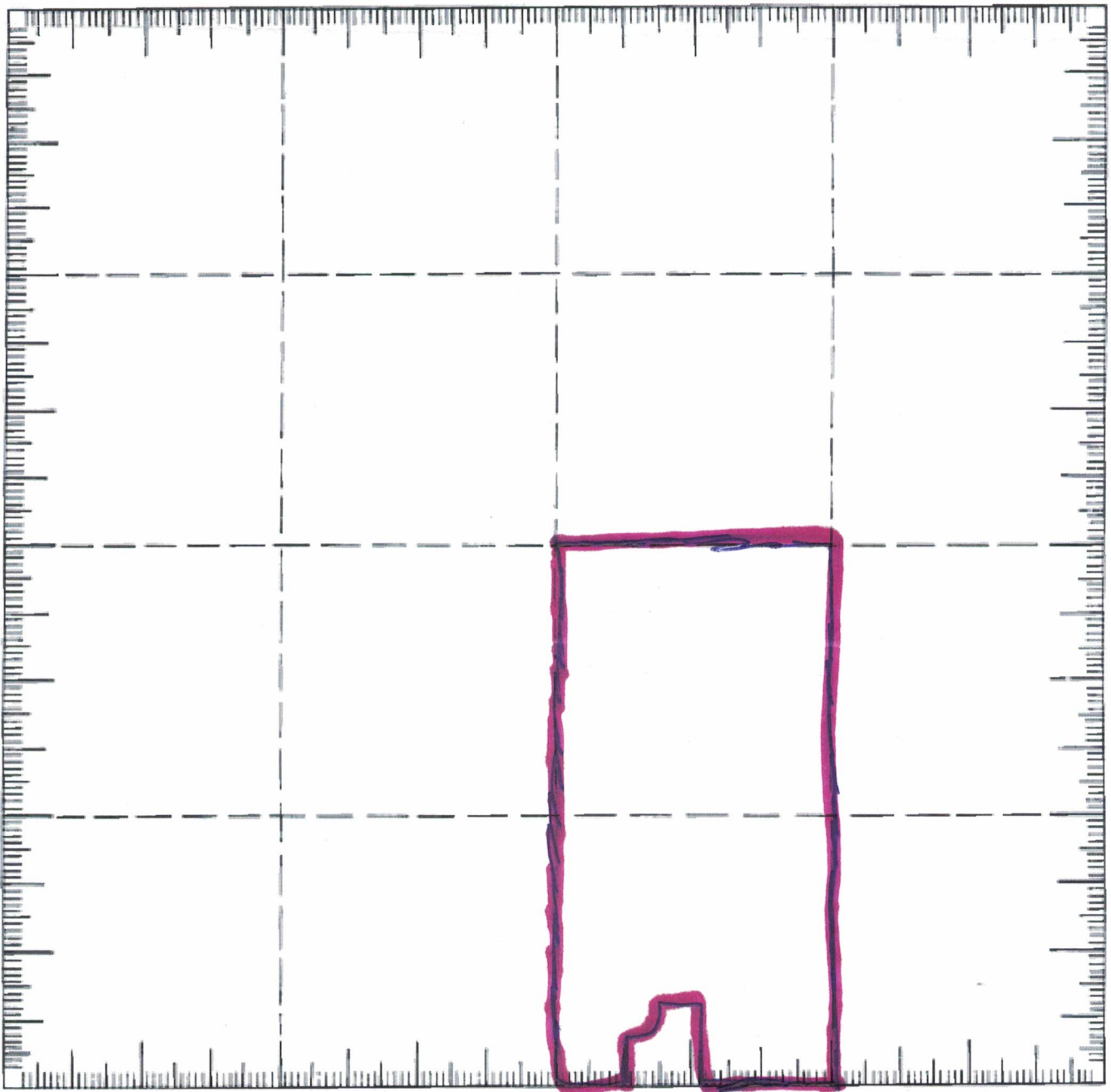
**Map of Farm with Structures and Natural Features:**

- A. Show boundary of land cited in application. (Grid below is designed to represent a 5280 ft<sup>2</sup> (1 mile<sup>2</sup>) Section)
- B. Show all buildings (house(s), barn(s), etc.); also label roads and other avenues of travel (i.e. utility access, etc.).
- C. Outline and designate the current uses of the property (crops, pasture, forest, swamp, etc.).
- D. Clear copies of map(s) provided by USDA Farm Service Agency are acceptable, but please label any roads visible on map, structures and their use, etc.

**Note:** Any residential structures housing persons not directly associated with the farm operation must be excluded from the application. Please indicate if a building falls in this category and provide the appropriate property description for its exclusion. Unless the appropriate description is included, your application cannot be processed.

County Lenawee  
 Township Palmyra  
 T 7S R 4E Section 13

↑ North



OFFICIAL TAX STATEMENT

PALMYRA TOWNSHIP  
 MATT KOESTER, TREASURER  
 PO BOX 97  
 PALMYRA, MI 49268



PLEASE RETURN THIS PORTION WITH PAYMENT THANK YOU.

**THIS TAX IS PAYABLE: DEC 1, 2018 THRU FEB 14, 2019**  
 After 2/14/2019, additional interest and fees apply

2018 Winter Tax for Prop #: PA0-113-4055-00

**TAXPAYER NOTE:** Are your name & mailing address correct? If not, please make corrections below. Thank You.

Property Addr: 8000 ROUGET RD BLK

Tax for Prop#: **PA0-113-4055-00**

To: FISHER, LAWRENCE & KAY, INCOME TRST  
 3371 WELLSVILLE HWY  
 PALMYRA MI 49268

Make Check Payable To: **PALMYRA TOWNSHIP**

**TOTAL AMOUNT DUE: 0.00**

Please detach along perforation. Keep the bottom portion.

**PALMYRA TOWNSHIP 2018 Winter Tax Bill**

**MESSAGE TO TAXPAYER**

PAY BY MAIL: ENCLOSE TOP PORTION & CHECK OR MONEY ORDER PAYABLE TO PALMYRA TOWNSHIP. IF YOU WANT A RECEIPT, SEND ENTIRE BILL, PAYMENT & SELF ADDRESSED STAMPED ENVELOPE. PAY IN PERSON SCHEDULE: SEE ENCLOSED BROCHURE, CALL TREASURER 517-673-6780 OR CHECK POSTED SCHEDULE AT COMMUNITY ROOM OFFICE. 3% PENALTY FROM FEB 15 THRU FEB 28.

**PAYMENT INFORMATION**

This tax is payable: Dec 1, 2018 thru Feb 14, 2019

Pay by mail to: PALMYRA TOWNSHIP  
 MATT KOESTER, TREASURER  
 PO BOX 97  
 PALMYRA, MI 49268

**TAX DETAIL**

Taxable Value:	83,746	
State Equalized Value:	253,600	
Assessed Value:	253,600	Class: 101
P.R.E. %:	100.0000	

Taxes are based upon Taxable Value.  
 1 mill equals \$1.00 per \$1000 of Taxable Value.  
 Amounts with no millage are either Special Assessments or other charges added to this bill.

**PROPERTY INFORMATION**

Property Assessed To:  
 FISHER, LAWRENCE & KAY, INCOME TRST

3371 WELLSVILLE HWY  
 PALMYRA, MI 49268  
 School: 46040 BLISSFIELD

Prop #: PA0-113-4055-00

Prop Addr: 8000 ROUGET RD BLK

**Legal Description:**

W1/2 OF SE1/4 SEC 13 T7S R4E EXC LD DES AS COMM AT THE S1/4 OF SEC 13 T7S R4E TH N89°31'05"E 257.27 FT ALG THE S LI OF SD SEC (CNTRLI OF ROUGET RD) FOR A POB TH CONT N89°31'05"E 400 FT ALG THE S LI OF SD TH N00°28'55"W 291 FT TH S89°31'05"W 400 FT TH S00°28'55"E 291 FT TO THE POB (EXC - SURVEY 2.672 AC)  
 SPLIT ON 09/23/2016 FROM PA0-113-4050-00

\*BALANCE OF DESCRIPTION ON FILE\*

**OPERATING FISCAL YEARS**

The taxes on bill will be used for governmental operations for the following fiscal year(s):

County: JAN 1 - DEC 31  
 Twn/Cty: JAN 1 - DEC 31  
 School: JULY 1 - JUNE 30  
 State: OCT 1 - SEPT 30

DESCRIPTION	MILLAGE	AMOUNT
DEPT AGING	0.73200	61.30
MED CARE	0.18960	15.87
LENAWEE INT SCH	7.32330	613.29
SCH SINKING FUND	1.74790	146.37
SCHOOL OPER	18.00000	EXEMPT
TWP TAX	1.00000	83.74
FIRE	0.99550	83.36
FIRE OPER	0.99550	83.36
PEASE		443.09

Total Tax 1,530.38  
 Administration Fee 0.00

**TOTAL AMOUNT DUE 1,530.38**

PREV. PAYMENTS 1,530.38

BALANCE DUE

Does NOT affect 6/20/19 CPC Agenda Packet or its amount

OFFICIAL TAX STATEMENT  
**Summer Tax Bill**

LENAWEE COUNTY TREASURER  
 MARILYN J WOODS  
 301 N MAIN ST OLD COURTHOUSE  
 ADRIAN, MI 49221



PLEASE RETURN THIS PORTION WITH PAYMENT THANK YOU.
<b>THIS TAX IS PAYABLE JULY 1, 2018 THRU SEPT. 14, 2018</b> After 9/14/2018, additional interest and fees apply
2018 Summer Tax for Prop #: PA0-113-4055-00

**TAXPAYER NOTE:** Are your name & mailing address correct? If not, please make corrections below. Thank You.

Property Addr: 8000 ROUGET RD BLK

To: FISHER, LAWRENCE & KAY, INCOME TRST  
 3371 WELLSVILLE HWY  
 PALMYRA MI 49268

Tax for Prop#: PA0-113-4055-00

Make Check Payable To: Lenawee County Treasurer

**TOTAL AMOUNT DUE: 0.00**

Please detach along perforation. Keep the bottom portion.

**PALMYRA TOWNSHIP 2018 Summer Tax Bill**

**MESSAGE TO TAXPAYER**

DEFERMENT FORMS MUST BE FILED AT THE COUNTY TREASURER'S OFFICE BEFORE SEPT. 14. INTEREST OF 1% PER MONTH OR FRACTION OF A MONTH ADDED AFTER SEPT 14. ADDITIONAL 3% PENALTY AFTER FEB 14 THRU FEB 28. IF YOU WOULD LIKE A RECEIPT ENCLOSE A SELF-ADDRESSED-STAMPED ENVELOPE. PHONE NO. 517-264-4554 PARTIAL PAYMENTS ARE ACCEPTED. FOR YOUR CONVENIENCE THERE IS A DROPBOX IN THE PARKING LOT BEHIND THE OLD COURTHOUSE.

**PAYMENT INFORMATION**

This tax is payable 7/1/2018 thru 9/14/2018  
 Pay by mail to: LENAWEЕ COUNTY TREASURER  
 MARILYN J WOODS  
 301 N MAIN ST OLD COURTHOUSE  
 ADRIAN, MI 49221

**TAX DETAIL**

Taxable Value:	83,746	
State Equalized Value:	253,600	
Assessed Value:	253,600	Class: 101
P.R.E. %:	100.0000	

Taxes are based upon Taxable Value.  
 1 mill equals \$1.00 per \$1000 of Taxable Value.  
 Amounts with no millage are either Special Assessments or other charges added to this bill.

**PROPERTY INFORMATION**

Property Assessed To:  
 FISHER, LAWRENCE & KAY, INCOME TRST  
  
 3371 WELLSVILLE HWY  
 PALMYRA, MI 49268  
 School: 46040 BLISSFIELD  
 Prop #: PA0-113-4055-00  
 Prop Addr: 8000 ROUGET RD BLK

**Legal Description:**

W1/2 OF SE1/4 SEC 13 T7S R4E EXC LD DES AS COMM AT THE S1/4 OF SEC 13 T7S R4E TH N89°31'05"E 257.27 FT ALG THE S LI OF SD SEC (CNTRLI OF ROUGET RD) FOR A POB TH CONT N89°31'05"E 400 FT ALG THE S LI OF SD TH N00°28'55"W 291 FT TH S89°31'05"W 400 FT TH S00°28'55"E 291 FT TO THE POB (EXC - SURVEY 2.672 AC)  
 SPLIT ON 09/23/2016 FROM PA0-113-4050-00

\*BALANCE OF DESCRIPTION ON FILE\*

DESCRIPTION	MILLAGE	AMOUNT
STATE ED	6.00000	502.47
COUNTY OPER	5.40000	452.22

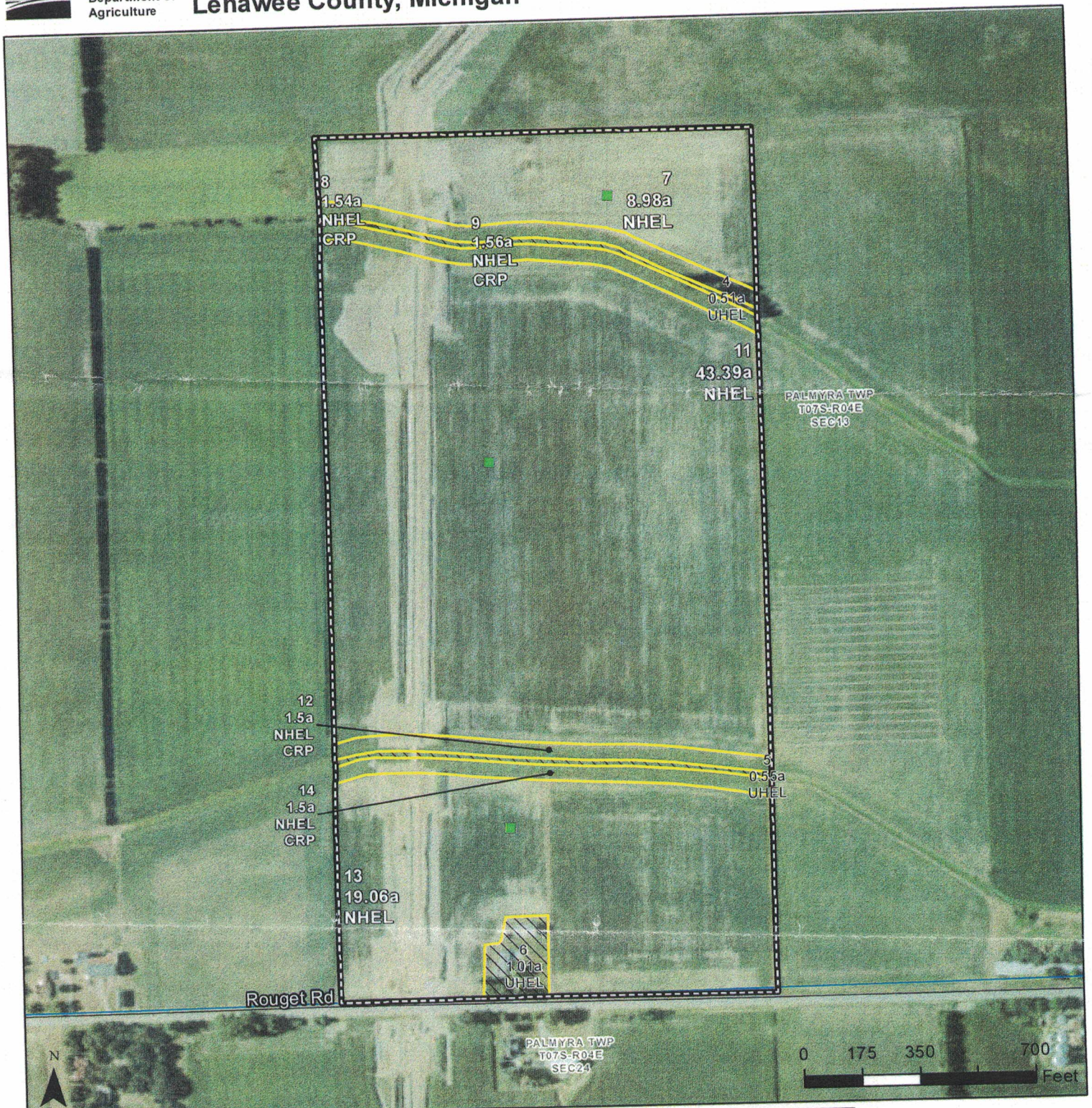


Total Tax	954.69
Administration Fee	9.54
<b>TOTAL AMOUNT DUE</b>	<b>964.23</b>
PREV. PAYMENTS	964.23
BALANCE DUE	

**OPERATING FISCAL YEARS**  
 The taxes on bill will be used for governmental operations for the following fiscal year(s):

County:	JAN 1 - DEC 31
Twn/Cty:	JAN 1 - DEC 31
School:	JULY 1 - JUNE 30
State:	OCT 1 - SEPT 30

Does NOT add to 6/20/19 LCP Agenda Packet or its amount



- Common Land Unit**
- Cropland CLU
  - Non-Cropland CLU
  - Tract Boundary
  - Section Lines

- Wetland Determination Identifiers**
- Restricted Use
  - Limited Restrictions
  - Exempt from Conservation Compliance Provisions

**This box is applicable ONLY for certification maps. Options only valid if checked.**

- Shares - 100% OP
- Certified Organic
- CORN - YEL/GR
- SOY\$ - COM/GR
- DRY BEANS - DE
- All Crops - NI
- WHEAT - GR (SRW or SWW)
- ALFALFA - FG or GZ
- MIXFG - FG or GZ

**2019 Program Year**  
 CLU Date: January 25, 2019  
 2018 NAIP Production Imagery  
**Farm 10667**  
**Tract 1197**

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland determinations are based on the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). 2017 NAIP Imagery is utilized for tracts located in Ohio





12-17-2018

*Marilyn J Woods* JG  
MARILYN J WOODS



LENAAWEE COUNTY  
DECEMBER 17, 2018  
RECEIPT # 864588

STATE OF MICHIGAN  
REAL ESTATE  
TRANSFER TAX \$550.00- CO  
\$3,750.00- ST  
Stamp # 32277

**WARRANTY DEED**

This Deed made this 14th day of December, 2018

WITNESSETH That, *The Gene W. Winzeler and Elaine L. Winzeler Trust dated April 13, 2015 by Gene W. Winzeler, Trustee and Elaine L. Winzeler, Trustee, 3706 E. Horton Rd., Jasper, MI 49248*

IN CONSIDERATION OF \$500,000.00

CONVEY AND WARRANTS TO *The Lawrence W. Fisher and Kay C. Fisher Income Trust dated April 23, 1997, 3371 Wellsville Hwy., Palmyra, MI 49268*

Land and premises in the Township of Palmyra, Lenawee County, Michigan, as described on attached Schedule C

Subject to zoning ordinances, easements and restrictions of record and that portion of the property taken or used by the public for road or highway purposes.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to create all parcels under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

**The Gene W. Winzeler and Elaine L. Winzeler Trust dated April 13, 2015**

*Gene W. Winzeler*  
Gene W. Winzeler, Trustee

*Elaine L. Winzeler*  
Elaine L. Winzeler, Trustee

STATE OF MICHIGAN)  
  ) §  
COUNTY OF LENAAWEE)

On this 14th day of December, 2018, before me, a notary public in and for said County, personally appeared Gene W. Winzeler and Elaine L. Winzeler, Trustees for the The Gene W. Winzeler and Elaine L. Winzeler Trust dated April 13, 2015, known to be the same persons described in and who executed the foregoing instrument, who acknowledged the same to be their free act and deed.

**BETH A. FETZER**  
Notary Public, Lenawee Co., MI  
Acting in Lenawee Co., MI  
My Comm. Expires Dec. 21, 2020

*Beth A. Fetzer*  
Beth Fetzer, Notary Public  
Lenawee County, Michigan  
My Commission Expires: 12/21/2020

THIS INSTRUMENT DRAFTED BY:  
BRUGGEMAN LAW OFFICES, P.C.  
Mark A. Bruggeman (P66065)  
126 E. Church Street, Adrian, MI 49221-2780

AFTER RECORDING RETURN TO:  
Mark A. Bruggeman  
126 E. Church Street  
Adrian, MI 49221-2780

Description taken from American Title Agency of Lenawee AT-2010  
Property Identification Number PAO-113-4055-00

**EXHIBIT C**

The West 1/2 of the Southeast 1/4 of Section 13, Town 7 South, Range 4 East; EXCEPTING THEREFROM all that part of the Southeast 1/4 of Section 13, Town 7 South, Range 4 East, further described by Michael J. Bartolo, Professional Surveyor, as commencing at the South 1/4 corner of Section 13; thence North 89°31'05" East, 257.27 feet along the South line of Section 13, (centerline of Rouget Road) for a point of beginning; thence continuing North 89°31'05" East 400.00 feet along the said line and said road; thence North 00°28'55" West 291.00 feet; thence South 89°31'05" West, 400.00 feet; thence South 00°28'55" East 291.00 feet to the point of beginning.