1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 8-19-2020, Planning Commission Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY
6. CONSENT AGENDA
7. NEW BUSINESS
   A. PC-2020-20, F & D Silverbell Company, LLC Building Official Review
      PC-2020-20, F & D Silverbell Company, LLC - Motion Options
      PC-2020-20, F & D Silverbell Company, LLC OHM Review
      PC-2020-20, F & D Silverbell Company, LLC - Application
      PC-2020-20, F & D Wetland Evaluation Report
8. UNFINISHED BUSINESS
9. PUBLIC COMMENT
10. COMMUNICATIONS
11. PLANNERS REPORT/EDUCATION
12. COMMITTEE REPORTS
13. FUTURE PUBLIC HEARINGS
14. CHAIRMAN’S COMMENTS
15. COMMISSIONERS’ COMMENTS
16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
1. OPEN MEETING

2. ROLL CALL

3. MINUTES
   A. 8-19-20, Planning Commission Regular Meeting Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2020-20, F&D Silverbell Company LLC, Wetland Application and tree inventory waiver requests, for a vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Roads.

8. UNFINISHED BUSINESS

9. PUBLIC COMMENTS

10. COMMUNICATIONS

11. PLANNERS REPORT/EDUCATION

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Township at least seventy-two hours in advance of the meeting when requesting accommodations.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 19, 2020, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Governor's Executive Order 2020-15)

PLANNING COMMISSION MEMBERS PRESENT:
Joe St. Henry, Secretary
Don Gross, Commissioner
Scott Reynolds, Vice Chairman
Justin Dunaskiss, Chairman
Don Walker, PC Rep to ZBA
John Steimel, BOT Rep to PC
Kim Urbanowski, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None

1. OPEN MEETING
Chairman Dunaskiss, opened the meeting at 7:00 pm

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rod Arroyo (Township Planner) of Giffels Webster
Eric Fazzini (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Jeff Williams, Township Fire Marshal
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Brian Biskner
Mario Izzi
Kevin Oliver
Meghan Cuneo
Nathan Sanko

3. MINUTES
A. 8-5-20, Planning Commission Regular Meeting Minutes
B. 8-5-20, PC-2020-16, Public Hearing Minutes

Moved by Vice-Chairman Reynolds, seconded by Commissioner Walker, to approve the minutes as presented.

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Reynolds, seconded by Trustee Steimel, to approve the agenda as presented.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2019-10, Stadium Ridge Commercial, Site Plan Extension located at an unaddressed site at the NE corner of Stadium Dr. and Lapeer Rd.

Mr. Mario Izzi MJC Companies, Macomb, MI the applicant presented.

Mr. Izzi stated that they were asking for a site plan extension for both item’s “A” & “B” for both the Stadium Ridge projects, one is the commercial and the other is a residential project.

Mr. Izzi said for the commercial site, they have all their permits in place except for the building permit. The building permit plans, the architectural plans have been reviewed by the Building Department. The plans were approvable, they had not pulled the permit yet because they have to do the site work. They could have started the site work earlier in the spring but due to the pandemic, it did not happen. Their goal was to do the site work for both sites, the residential, and the commercial, at the same time. As far as the residential project goes, they have a state wetland permit in place. They have had one engineering review completed and have had comments back from the Township Engineer. They had comments that they have to make some revisions for. They have to resubmit back to the Township Engineer for their review and expected to do that in the next couple of days for the residential. He noted that it was a complicated site and he could answer any questions, but there was a lot of change to the project. He added that they have a sanitary sewer pump station. He stated it was a very complicated project, and with the slowdown, and the stop working with their consultants due to the pandemic they are asking for an extension on both projects.

Chairman Dunaskiss asked if there was anything else specifically on the commercial portion that they wanted to accent as it relates to the timeframe or the length of the extension or any updates on their activity, on the commercial? Mr. Izzi replied no.

Planning & Zoning Director Girling commented that the applicant hasn’t submitted anything for review, they are just asking for an extension.

Chairman Dunaskiss asked what the timing and the activity on the PC-2019-10 and where does the project stand? Mr. Izzi answered that as far as the site work goes, they still had hoped to do the site work this year with the residential. Mr. Izzi added as far as the commercial they would like to construct and do all the horizontal and all the development, tree removal, mass balancing, underground, this fall/winter. It is going to be depending on the review on the residential portion, but they still have a tenant for the first building Tropical Smoothy Café. They had hoped to go vertical with the building before the end of the year but noted that the site works has to come first.

Chairman Dunaskiss asked if there were any comments or questions from the Board Members?

Trustee Steimel stated that this was the first extension for both sites. He noted that they have not changed anything from the ordinance or anything related to this type of development. He added that there hadn’t been any big changes around that area. He thought that the Stadium Drive got paved. He said that he did not have a problem with the extension. He knew that they wanted to start before the end of the year, but had no problem with wanting to grant them a one-year extension on both properties because who knows what might happen if they get shut down again. He thought that they are not taking a big risk right now if they give them a one-year extension. He would like them to move forward as soon as possible.

Engineer Landis stated that he would encourage them to look at a one-year extension because part of the projects involves the sanitary sewer gump station that has yet to be finalized on the engineering review. Once they do that, they have to go out for permits. He added that those
are typically taking 3-4 months. He thought that the best-case scenario, they were into next
spring before they can really break ground.

Moved by Vice-Chairman Reynolds, seconded by Trustee Steimel, that the Planning
Commission grant a one-year extension from the original date of site plan approval for PC-
2019-10, Stadium Ridge Commercial, located at an unaddressed parcel on the NE corner of
Stadium Dr. and Lapeer Rd.; due to COVID, application, and permitting process issues.

Discussion on the motion:

Commissioner Urbanowski asked if the extension was from the original approval date of
May, 15th or if it was from or today’s date? Vice-Chairman Reynolds replied from when
the original approval expired.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross
yes; Urbanowski, yes; Dunaskiss, yes. Motion carried 7-0

B. PC-2018-15, Stadium Ridge Residential Site Plan Extension, located at an unaddressed
parcel 09-14-400-026 on the north side of Stadium Ridge, east of Lapeer Rd.

Moved by Vice-Chairman Reynolds, seconded by Commissioner Gross, that the Planning
Commission grant a one-year extension from the original expiration of their site plan approval
for PC-2018-15, Stadium Ridge Residential, located at an unaddressed parcel 09-14-400-026
on the north side of Stadium Ridge, east of Lapeer Rd. due to COVID and permitting
timeframes.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Urbanowski, yes; Walker, yes;
Steimel, yes; St. Henry, yes; Dunaskiss, yes. Motion carried 7-0

C. PC-2020-17, Lake Orion Self-Storage, Site Plan Amendment requesting interior self-storage
warehouse, 1007 Brown Rd. 09-33-378-009

Chairman Dunaskiss asked the petitioner to give an overview of the plan.

Mr. Kevin Oliver from Oliver Architecture 8923 Jackson Rd., Mentor, OH 44060 the applicant
presented.

Mr. Oliver stated that they were proposing a new indoor self-storage facility, climate-controlled
to be constructed at the rear of an existing self-storage facility on Brown Rd. The new facility is
one story, approximately 30,000-sq. ft., full sprinkler system, and is replacing an area that is
currently used for outdoor vehicle storage and open areas where vehicles are stored. The
owners are looking to convert that into an interior climate-controlled self-storage building. For
their project, they are providing parking along the new building and the required amounts for
that new building. One of the waivers suggested is that the existing site doesn’t meet the
parking requirements. They proposed to keep the existing site functioning as is. The open area
parking they are replacing has not been used to serve those existing buildings, and given the
nature of the self-storage and drive-up units, they requested that the parking remain intact and
their new parking be provided for their building. He thought that there were 70 spaces over for
their building, which he thought should accommodate any need for the existing facilities. He
added that along the east, west, and north end of the new construction they have a driveway
going around. On the west, they are seeking a waiver to encroach on the landscape buffer,
they are proposing to continue the drive to the north around the building, providing access to the
facility, and firetruck access around the entirety of the newly constructed building. He noted that
up near the front of the facility, there were some comments and questions for a proposed waiver for landscaping and improvements along Brown Rd. They requested that what is in place now currently, remains intact upon that into the site. There are existing established plantings there, and a decorative black metal fence. The slope there is significant, from the sidewalk down to the site. Their proposal that constructing a three-foot wall there didn’t make sense for the site, given the change in topography there and the established plantings. They also requested that they don’t include decorative lighting, again, they are trying to preserve those and cause additional issues upfront there. He added that another waiver is for landscaping at the new facility, he said that they will fully landscape the parking islands around the facility, and provide irrigation systems to those, as well, again at the new building, towards the remote site. The new building will be constructed with an exterior of prefinished metal panels. They will have automatic doors to allow entry and exit from the facility. This building is set far removed from Brown Rd. They felt it was in keeping with the buildings that are there, for a facility of this type, and the distance from Brown Rd. they were requesting that the waiver to allow the metal panel constructions, it is a fully insulated, weather-tight climate-controlled building. It is not a warehouse with a single layer of metal on the outside of it. The wetland setback of their project is setback the 25-ft. minimum, from the wetland as defined by the wetland consultants. They were respecting that setback and trying to fit it nicely into the rear of the site, keeping the front buildings intact. He stated that the engineering comments and fire department comments, they didn’t have any issues, complying with those requests, and proposing to make changes to accommodate those requirements.

Chairman Dunaskiss asked the Township Planner to give an overview of his findings.

Planner Arroyo read through his review date-stamped July 31, 2020.

Chairman Dunaskiss asked the Township Engineer to give an overview of his findings.

Engineer Landis read through his review date stamped August 4, 2020.

Chairman Dunaskiss stated that the Fire Marshal Williams in his review recommended approval with some requirements as it related to some of the siren features for opening the gates as well as a Knox Pad Lock, and a few other items to make sure upgrading is provided on the site.

Chairman Dunaskiss stated that the Public Works Director Stout had no concerns or issues with the project.

Chairman Dunaskiss asked the commissioners if they had any questions?

Vice-Chairman Reynolds stated that there was a site walk on the project. He noted that the current area is currently used for outdoor storage and is utilized, almost, completely storing RVs and vehicles but was an existing property.

Chairman Dunaskiss asked the Site Walk Committee Members, their thoughts regarding the waivers. Vice-Chairman Reynolds replied that the property is kind of withheld to a nice design standard out front, and there would be some modification required at the facility to make it work within their (BIZ) District, road front entry requirement. He was torn whether it should be brought up to speed, a case being brought forth for site plan approval does open them up, and their intent is to bring it forward and up to date. He did not think that the facility was under designed, either right now, he thought it looked nice.

Commissioner Gross asked what will happen with the existing outdoor storage that is on the site? He also wanted to confirm that this will strictly be pedestrian access and not vehicular
access to the interior of the building. He questioned the number of units and the prices of the units in the facility. Mr. Oliver replied that the outdoor vehicle storage will go away. He didn’t know the exact mechanism to be used there, but once they terminate their rentals, those items are removed, and there will be no outdoor vehicle storage on the site. He stated that the building has no vehicle entries to it, they are man doors, that users will bring carts into and out of, without the ability to drive in, it was not sized for that. He added that there are schematically approximately 230 units in the building. Typical units are 10x10-ft. those comprise the majority of the units. There are 5x5, 5x10 units, and a smaller number of 10x20 and 10x30 units. Typically, in a building this size, there might be ten of the larger units, but the majority of the units are 10x10.

Commissioner Gross said relative to the parking, and the request for a parking waiver, or a parking determination, he thought this type of use has parking, which is random. It is not used all at the same time. So, the parking that is being proposed on the site plan, he thought, is sufficient to accommodate the staggered uses of the facility.

Vice-Chairman Reynolds asked what the hours of operation in which this will be utilized as a facility or limited access hours? Mr. Oliver replied that he didn’t know, specifically, the client’s other facilities, typically are open 8 or 9 AM until 5 or 6 PM. Then there is an additional hour where the office isn’t manned but the gate is opened, but it is not intended to be a 24-hour access facility. Just because they have a gate card didn’t mean they could come and go when they pleased.

Chairman Dunaksiss asked about the waivers, the bigger one, maybe just go after that is for the design specifically with the lighting or landscaping along Brown Rd. He stated the editions where there is outdoor storage already is tucked in the back. He thought that it looked nice upfront, this is the end of the (BIZ) District and looked for comments on the lighting and or the streetscape requirements.

Commissioner Gross asked relative to the design considerations of the building, he didn’t see that as being contradictory to what they were trying to accomplish within the (BIZ) District, especially, since this building is setback so far from the street it will not be visible, in effect, from the road. Relative to the lighting that could be a pretty expensive proposition, but in the event that additional lighting that they have designed for Brown Rd., continues to the east, he suggested and hoped that the applicant would participate in the lighting along their frontage when it is a little more economical. Mr. Oliver replied absolutely, yes.

Trustee Stemiel thought that there was not a lot of frontage along Brown Rd. He didn’t believe that there was a pathway in front of the facility. He noted that the lights are to light up the pathway. He said as far as the width, it might require one light.

Planner Fazzini stated that on the lighting fixture spacing, it is 125-ft. between fixtures.

Chairman Dunaskiss asked what the frontage was on the site? Mr. Oliver thought it was 305-ft. Chairman Dunaskiss stated asked how far does the (BIZ) District go to the east does it go all the way to Jamm Rd.? Planner Fazzini replied yes. If Jamm Rd. is the road that runs north into that residential area. It doesn’t extend into the residential area. Chairman Dunaskiss asked if it extends further east from this site, all the way there? Vice-Chairman Reynolds stated that the (BIZ) District ends on the east end of this parcel. Planner Arroyo said yes, and it turns to (R-3).

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission grants the Parking Calculation Waiver for PC-2020-17 for the plans date stamped received July 10, 2020, based on the facts: the proposed use is such as the parking would be
random and would not be in use at the same time for all the units; the parking calculation that has been proposed, is for self-storage and not for single individual use.

**Roll call vote was as follows:** Reynolds, yes; St. Henry, yes; Gross, yes; Walker, yes; Urbanowski, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**

Moved by Commissioner Gross, seconded by Secretary St. Henry, that the Planning Commission grant a 15-foot waiver from the 20-foot driveway to the property line setback for PC-2020-17, for plans date stamped received July 10, 2020, for the following reasons: the proposed parking is adjacent to a non-residential driveway which is parallel to the site; it will not have an adverse effect on the adjoining property.

**Roll call vote was as follows:** Steimel, yes; Reynolds, yes; Urbanowski, yes; St. Henry, yes; Walker, yes; Gross, yes; Dunaskiss, yes. **Motion carried 7-0**

Discussion on the motion:

Vice-Chairman Reynolds asked regarding waiving some of the specialty requirement for the Brown Road Innovation District, such as the lighting for the safety path, are they required to provide a safety path that since they are at Site Plan approval? He asked if there an additional waiver that they should be providing them? He asked if this something that they would have to go in front of the Safety Path Committee for? Planner Arroyo replied that there is a path in front of the site. Trustee Steimel noted that it does drop off on the path though. It goes down from the path to their decorative fence. He added that if they look realistically at it, it is the only kind of level area to the north of the safety path is right where their sign is. Vice-Chairman Reynolds questioned that even with that connector they wouldn’t be requiring them to provide it into their site? He thought that it was one of the requirements? Or is that just a desire they have for safety path requirements? Planning Arroyo stated that this is a site that is fenced all the way along the front as well, except for the parking area that serves the office building. He added that there is really not anything to connect to, into the site, there is just a parking lot. Vice-Chairman Reynolds thought that there was not a safety path, but after pulling up the areal he noticed that it was the next property down.

Commissioner Urbanowski stated that her concern is that whatever is west of the property, if they applied for some kind of changes in the future, it is such a large piece, and if they are waiving two light posts for them, they might have to waive a lot of light post for that larger section. Vice-Chairman Reynolds asked the applicant if they would consider adding some ornamental lighting? If they waive the knee wall requirements since they have a decorative fence, and waive the requirements since the exterior materials are cohesive, with their existing, that even though it is not part of the (BIZ) District, that they kind of give and take care a little bit and ask for the lighting but give them the other waivers? Mr. Oliver replied yes. They are willing to provide the decorative lighting upfront. They have not investigated the actual logistics of doing so, but that is a reasonable request, and they were willing to provide those. Commissioner Urbanowski thought that it sounded like a nice offer to comply with the landscaping in front of the (BIZ) District. Secretary St. Henry felt that it was a fair compromise. He added that he thought that the lighting is very important for consistency purposes and to set the precedent for any adjacent properties if they were ever developed. He stated that he was familiar with the decorative fencing versus the knee wall and thought it was a good tradeoff.
Moved by Vice-Chairman Reynolds, seconded by Commissioner Urbanowski, that the Planning Commission grant waivers for the following general requirements for PC-2020-17 for plans date-stamped received July 10, 2020, based on the following: based on the economic impact quality of architecture and design and the overall compatibility with the district, along with the existing structures that remain on the site, to allow for the use of pre-engineered metal siding on the structure, to avoid any further entry area improvements; and since an ornamental fence is provided, they would waive the requirement for a knee wall; they would still require ornamental lighting along the existing safety path, and such amendments to the plans must be made and resubmitted to the township.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Walker, yes; Steimel, yes; St. Henry, yes; Reynolds, yes; Dunaskiss, yes. Motion carried 7-0

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission grant a waiver from the landscape requirement beyond what was demonstrated on the plan date stamped received July 10, 2020, for PC-2020-17 based on the finding: the parking, vehicular circulation, or land use are such that the required landscaping would not enhance the use or the site, or result in the desired screening effect; this waiver is for the existing use only and does not carry over to any future land use.

Discussion on the motion:

Commissioner Urbanowski stated that in the report it says, the applicant, is not showing the number of trees. Is that what they were talking about, 34.03, that section? On page eight, is that the tree plan that was being discussed by Planner Arroyo?

Commissioner Reynolds said that he wanted to clarify the two landscape waivers because there were some missing calculations on the plans. He wanted to make sure that they don’t grant a waiver based on a lack of data, but rather, a design implementation that is actually on the plan itself. It seemed like there were some calculations, but trying to figure out, what the differences are, and what they are missing?

Planner Arroyo said that regarding 34.03 on page eight deals with the fact that the buffer requirement typically would show the number of trees in the buffer meeting the requirements in the ordinance. It is basically labeled as dense vegetation and it is a fairly unique situation with very dense vegetation in that area. A lot of that is existing and then, it carries over into the adjacent parcel. What they are looking for is to just have them accept that meeting the spirit and the intent of that buffer requirement, rather than having to call out all the specific information that would otherwise be required if this was a greenfield site, with no trees.

Trustee Steimel asked to please review because if they looked at the area, right around the building itself, it drops off both on the east and the north and somewhat to the west around the new building pretty steeply, he thought about 9 or 10-foot drop around that premises. The natural topography is doing it for them right there.

Planner Arroyo stated that under section 34.03, the other section on page nine, screening between uses, where the 20-ft. buffer will be required on the west side, and clearly, they already granted the waiver for the parking to be only five-ft. setback on that side. This is a related waiver of landscaping because they can’t provide the 20-ft. buffer on the west side because there is only five-ft. setback there.
Roll call vote was as follows: Gross, yes; Urbanowski, yes; St. Henry, yes; Walker, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. Motion carried 7-0

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission grant a waiver from the general landscape requirement beyond what is demonstrated on the plan, with the exception, that the petitioner or the plan provides an inventory table, which creates a column including removed and saved trees with an indication of the existing tree’s inventory. Conditional notations of sampled tree preservation details or other information should be provided to verify compliance with this section, as the landscape plan has been combined with the Site Plan.

Discussion on the motion:

Mr. Brian Biskner with Powell Engineering noted that they were not aware of any trees being removed from this improvement. He added that all the trees along the east line would remain, and the pavement that they are extending 15-ft. to the north, there are no trees in that area. There are some existing landscaping and bushes in the islands where the outdoor storage is, those will be gone, but those are being replaced as part of the whole new landscape scheme. He didn’t believe that they were taking out any trees. Commissioner Gross asked that they reflect that on the Site Plan.

Roll call vote was as follows: St. Henry, yes; Steimel, yes; Gross, yes; Walker, yes; Reynolds, yes; Urbanowski, yes; Dunaskiss, yes. Motion carried 7-0

Moved by Commissioner Gross, seconded by Vice-Chairman Reynolds, that the Planning Commission grant Site Plan approval for PC-2020-17 Lake Orion Self-Storage Amended Site Plan with the waivers that have previously been discussed, for the property located at 1007 Brown Road (Sidwell #09-33-378-009) for plans date stamped received July 10, 2020, based on the following findings of facts: the plan complies either with the zoning ordinance or waivers that have been granted and the condition that the petitioner resolves any issues related to the Township Engineer’s review letter dated August 4, 2020; further that the recommendations of the Fire Department of August 4, 2020, be incorporated into the plans.

Roll call vote was as follows: Walker, yes; St. Henry, yes; Reynolds, yes; Steimel, yes; Urbanowski, yes; Gross, yes; Dunaskiss, yes. Motion carried 7-0

D. PC-2020-18, Leggera Technologies, LLC, Site Plan Amendment requesting outdoor storage, 87 Northpointe Dr. 09-35-401-003

Vice-Chairman Reynolds noted that there was a conflict of interest in this case. The applicant plans for Leggera Technologies was prepared by Auger Klein Aller Architects, which he is employed by.

Moved by Commissioner Walker, seconded by Commissioner Gross, that the Planning Commission for purposes of discussion, recuse Vice-Chairman Reynolds. Motion carried

Planning & Zoning Director Girling wanted to clarify that in the Boards packets there were two sets of plans. They had the original submittal, which was then reviewed by all the consultants. There was a little bit of unclarity on quantities of product that the Fire Department said that they needed clarification on in order for this project to proceed. They asked the applicant to amend the plan and clarify the amount. They were way ahead of the game as, they incorporated some changes that have been called out on the Planners review, also. The Planner due to the short
time was not given time to rereview. So, they kept it simple in the plan that will be looked at will be the original one that was in their plan. They asked that if the motion is to approve that one of the conditions be that the plan was received that the Fire Marshal addresses be specified that it contains everything within that plan set.

Chairman Dunaskiss asked the applicant to give an overview of the request.

Mr. Nathan Sanko the applicant presented.

Mr. Sanko noted that Steve Auger was their architect and he had a conflict and could not make the meeting.

Mr. Sanko the owner of Leggera, stated that they are a tier-one automotive supplier located at 87 Northpointe. They make the rear tire carrier for the Jeep Wrangler. If they were behind the Jeep, they would be looking at it and you would see the wheel and tire hanging off the back. They are responsible for the piece that actually holds the tire on the vehicle. They do the same part for the Ford Bronco. They have programs with Chrysler Pacifica and the new Rivian vehicle, and they just landed a program to make all the shelves in the Amazon delivery vans.

Mr. Sanko said that what they were asking for is to allow them to have two storage containers in the back of their facility the very back of the lot. They use the outdoor storage to store their raw material, which is their magnesium chips. Per the 2015 International Fire Code, suggests that it is store separately, and not to exceed 1,000 cubic-ft. He noted that two containers give them around 760 cubic-ft. of outdoor storage. So, it keeps them within the guidelines and still allows them to operate their business. He added that there was something on the cooling tower, although he wasn’t sure how that worked. He noted that there was a cooling tower pad there. There were entrances through the wall of the building and they simply put a new cooling tower, they expanded the pad a bit and put a new cooling tower on it, but he thought that they needed an approval, also for that addition. He stated that in Fire Marshal Williams’ review, there was a mistake made by the architect when he listed the cubic footage and then what was actually going to be stored in those containers. The architect put in the plans that it was actually ingots storage and it is not, they do not use ingots, they use a chip material which is granule, and it comes in bags and each container can hold 24 bags of that material, which is around 360 cubic feet of magnesium. Two of them are around 720 cubic feet. That is a change that was made to the plans per the Fire Marshal Williams recommendation. He noticed that there was that mistake made so Mr. Auger changed the plan. Unfortunately, to Tammy’s point, he made some other changes and then they resubmitted.

Fire Marshal Williams said that they had completed their review, exactly like Mr. Sanko said. It was an educational piece for them on this property and the type of storage. International Fire Code is very specific on the material and if it is an ingot or a granule. Depending on the type of material in its raw form, there are certain requirements for the granule. They had to get the revision changed on the Site Plan. Then depending on with the granule that depicts or explains the separation distance requirements.

Trustee Steimel said he knew that they use Manganese when they are machining and there are different requirements. They have some of this for storage, is this something that the Fire Department needs to be aware of and keep on file what is in there? He thought that they have to be very careful about throwing water on Manganese granules. Fire Marshal Williams replied most definitely. He added that the occupancy classification of the building right now is an F-1 use occupancy permission building code. They do have plans to increase production in the near future. The Building Official is aware of it, so in regards to building safety and life safety concerns, the building is compliant with the Michigan Building Code. Fire Marshal Williams
noted that Mr. Sanko wants to increase his operations, he will need to submit a building permit and a building application to bring the building up to an H-3 classification. Nothing can be done, they can't increase operations, they can't do anything more than what they are currently doing right now, without the building permit and submitting plans to the Building Official. He added that in regards to the outside storage, it is in shell containers, with very limited exposure. In regards to anything that happens on the outside of the structure, they are proposing a fenced-in area. When they are storing the granular material out in the parking lot, they are going above and beyond by putting it in the shell containers. Regarding training, their staff and personnel, they are completely aware of what is happening out on site. They have been since day one. They had some communication problems during this situation, over the past several months that has been resolved. They have a great working relationship with Mr. Sanko, and it is just a work in progress, it is a very extensive site. It has taken a lot of education on their part for his division to get educated on the material and the operation. They have been doing well working in partnership with the Building Department as well.

Mr. Sanko stated that he would echo everything that Fire Marshal Williams has said. He and his department have been phenomenal to work with. He mentioned how much he has learned in the process, and he had to admit, he has learned a lot as well. He didn't know nearly as much as he should have. He had other people that he had hired that he had relied upon for a lot of this, and as he was thrust into the situation where he had to get more involved, and it has been a tremendous learning experience as well. He added that Fire Marshal Williams and his department have come and got samples to better train his department. He felt it had been a great working experience.

Planner Fazzini gave an overview of his review date stamped August 13, 2020.

Planning & Zoning Director Girling stated that on the memo that she had submitted, regarding the need for an agreement. She thought that perhaps the Fire Marshal Williams could join in. They are saying that they won't exceed the 1,000 cubic feet, which has a 100-ft. setback from any building and if it was under that they have a 50-ft. setback. She said that the plans they gave were scaled to hundreds. She had a concern that the 50-ft. setback would still cross over into the vacant parcels, that are not developed. If someone comes in to develop that parcel, they can't stop their property rights of developing because, suddenly, they have less than 50-ft. because of property development. She sought out an opinion from the attorney, and he suggested an agreement, which she briefly discussed with the applicate that would basically say, at that point in time that, the site is developed. They would have to come back in and re-evaluate whether they have the distance, whether the product contained has to be changed. She asked for some discussion on that issue.

Mr. Sanko said that he was fine with that. He added ideally, they could get the building owner to agree to allow them to move the building to an H-3 building. It is not overly expensive to do that around $120,000 he believed, to get it converted from the current code to the H-3. That is what they want to do. It took them nine months to get a signature from the owners, to present to Planning Commission. He was hoping that they can move that along, and if that happens then it opens up their window for indoor storage based on the fire code. They would not necessarily have to have the outdoor storage in perpetuity.

Commissioner Walker said it appears as though there will be a fence on one side of these two structures and not surrounding the structures? Mr. Sanko replied that is what they have proposed. Commissioner Walker asked how the magnesium chips transported into the enclosure? Mr. Sanko replied that it is a bag on a pallet, it is called a super stack and it is on a palette and they drive it right into the container and set it down. Commissioner Walker asked if there was a door for the containers? Mr. Sanko replied yes; the containers have doors that
open up as you would see on a shipping container boat. It is a 40-ft. shipping container. Commissioner Walker asked if there was just one door in each container. Mr. Sanko replied yes; the doors are only on one end of each container. Commissioner Walker questioned how are the doors secured? Mr. Sanko replied they are the same way they would secure the doors on a semi-truck it has the big heavy cantilevered locks that use the lock and pinion. Commissioner Walker asked if they are only opened when they are inserting some of these chips? Mr. Sanko said yes; they open up and load them up and once a day they go out there and get a bag and bring it into the facility. Commissioner Walker said it could be possible for someone else to open that door? Mr. Sanko replied yes; they could put a pad-lock on there, that would not be hard to do. Commissioner Walker said that his only concern is that a citizen of Orion Township could open that door when they are not around and take out a bag or a handful of 10 magnesium chips. It was his understanding that they are very flammable and very dangerous. Mr. Sanko replied that is correct. Commissioner Walker asked if they would be willing to put a fence around the whole unit? Mr. Sanko replied no. Mr. Sanko added that they only reason that they proposed one in the front was because of the container because it sits on the parking lot asphalt. If they were to put fencing behind it, they would be putting posts in the ground. He added if that is what they want that would be fine with them. Commissioner Walker asked what they use the chips for? Mr. Sanko replied that it is very similar to injection molding. If they were familiar with how plastic injection molding works, they have the little chips of plastic, these are little chips of magnesium. They are sucked up into a vacuum system and then the hopper feeds the material down into a barrel and then the material heating inside the barrel and then it is shoved into the mold.

Chairman Dunaskiss asked if the basins were expensive and, are they a target for theft, as the steel scrap metal. Mr. Sanko said he didn’t even know they could find a place to sell magnesium scrap but it would be hard to steal. If they were big pieces that they could pick up and lift, but it is just bags of granules, the bags weigh a ton. He never really thought about someone stealing the bag. He has thought about someone vandalizing. He added that with the chips they can’t just throw a cigarette in there and they are going to catch on fire. It takes a lot of heat to get the magnesium started. Once the magnesium starts on fire, that is when it is a catastrophic situation. Once that magnesium starts on fire, they can’t use water on it, it burns very hot. Getting that magnesium to its ignition point it is around 300 degrees. It would take someone with a blow torch, with some time.

Trustee Steimel said he didn’t think that they should make it a requirement to lock it, but he was familiar with that area, and there is a problem with theft. They literally got people cutting copper pipes on the sides of buildings. He suggested that they should put a lock on it. He added that some people might think that it is aluminum. Mr. Sanko agreed.

Commissioner Urbanowski said she was looking at the aerial view, and there is already one trailer back there? Mr. Sanko replied that there were two together. Commissioner Urbanowski asked if they were asking for another two next to it? Mr. Sanko replied no, just the two that they already have. The containers are already sitting there. Commissioner Urbanowski said so they are looking to put stuff in it now and block it off? Fire Marshal Williams said in the past he and Mr. Sanko have been working together for a long time. They did have a situation on-site, and this is what they were doing to bring the site into compliance.

Chairman Dunaskiss stated that they are looking for a couple of waivers, one is the Screening Waiver.

Secretary St. Henry questioned the possibility of screening the entire four sides of the two containers. He asked what is on the other sides of the property currently? Mr. Sanko said to the north of it is a vacant lot. To the west and to the east are other parking lots. He wasn’t sure
how far the parking lot went back. He was not opposed to putting up a fence. He didn’t think that anyone could see that from anywhere from the north side because it was a big empty lot.

Chairman Dunaskiss asked about the screening overall with the cooling tower is that visible from 24, or even from Northpointe? Mr. Sanko replied he didn’t think so.

Chairman Dunaksiss stated that it is in the Overlay District for M24, but not fronting it. He didn’t think there were any eyesore issues now. He was leaning toward giving the waiver on the screening.

Planner Fazzini added some clarification from the applicant, the fence screening exhibit they submitted is chain-link fencing that is not permanently attached to the ground, it is on a floating bracket so if there a concern with security the applicant should specify that the fencing would be on permanent foundations surrounding the structures and not moveable type fence screening. Mr. Sanko said yes; they did propose to have a fence that just would sit on the ground. Since it is going to be on that asphalt it would keep them from having to dig into the asphalt, which he was sure they would have to get another signature from the building owner or at least get their approval. The security was not something that he was concerned with. They didn’t have a problem locking the containers, he thought that was a great idea. As far as, any sort of fences to keep people out, he wasn’t sure what the fence would do. The fence plus the lock would be overkill. They have not had any issues with that, he knew it could happen. He thought most people would look inside of the container and have no interest in what was in there.

Chairman Dunaskiss said if they got an H-3 building, they would be bringing the materials inside. It seemed to him to be more temporary and bring it to code. The Fire Marshal is happy with it he was happy with it.

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission grants an outdoor storage screening waiver for PC-2020-18, Leggera Technologies for plans date stamped received July 29, 2020, for the one side adjacent to the south side of the storage containers; the screening would serve no useful purpose due to similar uses located on adjacent land.

Discussion on the motion:

Planning & Zoning Director Girling asked for some clarification, is the motion saying that there is no screening needed on the south side only? Commissioner Gross said yes.

Commissioner Urbanowski said what they are looking at is just the screening and that is all that they need to be agreeing on in terms of what the requirements are, but locking it would be great.

Roll call vote was as follows: Gross, yes; Urbanowski, yes; St. Henry, yes; Walker, yes; Steimel, yes; Dunaskiss, yes. Motion carried 6-0 (Reynolds recused)

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission grant site plan approval for PC-2020-18, Leggera Technologies Site Plan Modification located at 87 Northpointe Drive, parcel #09-35-401-003 for plans date stamped received July 29, 2020, based on the following: this is for the addition of a water cooling tower and the addition of the outdoor storage; recommended that this is approved base upon the fact that this does satisfy all the ordinance requirements; further, that an agreement is submitted between the township and the owners relative to the setback between buildings based upon the types of materials that are stored in the outside storage facility.
Commissioner Gross amended the motion, Trustee Steimel re-supported, to include that the Fire Marshal had agreed to the changes and with the distance in accordance with the agreement of the Fire Marshal and the Township Attorney based the plans date stamped August 17, 2020.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Walker, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes. Motion carried 6-0 (Reynolds recused)

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
A. Community Planner Update – Summer

Planner Fazzini highlighted the GIS Story Maps link on the first page of the update, that takes them to a website. Story Maps is a newer technology that GIS software has that they use for various planning projects.

12. COMMITTEE REPORTS
Planning & Zoning Director Girling commented that they will be receiving the new Boardbook which is how they get their packets. Asking them to get ahold the Planning & Zoning Department to give some basic instructions.

13. FUTURE PUBLIC HEARINGS
None

14. CHAIRMAN’S COMMENTS
None

15. COMMISSIONERS’ COMMENTS
Trustee Steimel commented that the new Master Plan will be coming out soon. He asked that they add links in the Master Plan.

Commissioner Gross said that population is a very important segment of their Master Plan and where they are headed.

16. ADJOURNMENT
Moved by Vice-Chairman Reynolds, seconded by Trustee Steimel to adjourn the meeting at 8:59 pm. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
| Charter Township of Orion | Planning Commission Approval Date |
To: Planning Commission  
From: David Goodloe, Building Official  
Re: Tree Inventory Waiver  
Date: 08/20/2020

I recently received a Woodland/Tree Removal Permit Application for Parcel ID 09-35-100-019. The proposed work on the site does not require a site plan or plat approval by the Planning Commission and the granting or denial of a Tree Removal Permit shall be the responsibility of the Building Official.  
Per Section 27.12 Tree and Woodland protection 4 c “For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.”

The applicant has requested the Planning Commission waive the tree inventory requirements. I have attached the woodlands map adopted by the Township. It is clear that the tree removal will not impact woodland area as required by the ordinance. I have visited and walked the entire site multiple times and I do not believe a tree inventory will be necessary for me to complete my review.

If you have any questions feel free to contact me at 248-391-0304. X6001

Sincerely,

David Goodloe  
David Goodloe  
Building Official  
Orion Township Building Dept.
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: August 26, 2020
RE: PC-2020-20, F&D Silverbell Company LLC Wetland Permit and Tree Inventory Waiver

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

Wetland Permit (Ordinance No. 107):
Motion 1: I move that the Planning Commission recommends to the Board of Trustees approval/denial the wetland permit for PC-2020-20, F&D Silverbell Company LLC, for a vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Roads for the application date stamped received August 12, 2020 and August 24, 2020. This recommendation of approval/denial is based on the following findings of facts:

   a. The action or use is not/is likely to or will not/will pollute, impair, or destroy a Wetland (insert findings of facts).
   b. There are no/are feasible or prudent alternatives to the proposed action (insert findings of facts)
   c. The approval is/is not consistent with public interest, in light of the stated purposes of the ordinances (insert findings of facts).

If approved the approval is based on the following conditions:
   a. Motion maker to insert any conditions.

Tree Inventory Waiver (Ordinance 78, Article 27.12 E 4 c):
Motion 2: I move that the Planning Commission grants/does not grant a waiver from a detailed tree inventory because it has/hasn’t been demonstrated that the removal will not impact woodland areas (insert findings of facts).
August 27, 2020

Justin Dunaskiss, Planning Commission Chairperson
CHARTER TOWNSHIP OF ORION
2525 Joslyn Road
Lake Orion, MI 48360

RE: F&D Silverbell Company, LLC, PC-2020-20
     Wetland Review

Received: Original Report August 13, 2020 by Orion Township
          Revised Report August 24, 2020 by Orion Township

Dear Mr. Dunaskiss:

We have completed the first review for the F&D Silverbell Company, LLC wetland submittal. The proposed wetland fill is being requested to complete earth balancing operations for a future development. Wetlands on this site are shown in the report prepared by King & MacGregor Environmental Inc. The USACE/EGLE Joint Permit Application was utilized for the township wetland permit application and was included in the submittal. Within the application were proposed grading and stormwater management plans prepared by Atwell. The application was reviewed with respect to the Township’s Wetlands Protection Ordinance, No. 107.

EXISTING SITE CONDITIONS:
The proposed site is located on the southeast corner of M-24 and Silverbell Rd in the NW 1/4 of Section 35 of the Charter Township of Orion. After conducting a site visit on August 19, 2020, we were able to generally confirm the location of the wetlands as depicted on the plans and in the wetland report.

Wetland A – see below: The Michigan Resource Inventory System (MIRIS) maps and the National Wetlands Inventory (NWI) maps do not identify this approximately 0.20-acre wetland. The applicant has identified this wetland area as an emergent shrub-shrub wetland. It is our understanding that this wetland is not regulated by EGLE since it is less than 5-acres in size and not contiguous to a lake, stream, or pond. However, it is our opinion that this wetland is regulated by the Township since it meets the criteria outlined in section 5.B.5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

Wetland B – see below: The Michigan Resource Inventory System (MIRIS) maps and the National Wetlands Inventory (NWI) maps identify this wetland as a 2.20-acre freshwater pond (PUBGx) adjacent to a 2.07-acre freshwater forested/shrub wetland (PSS1C) which extends off-site for a total of 4.27 acres. From our field visit, it appears the extent of the 2.07-acre freshwater forested/shrub wetland is much smaller than shown on the NWI map. The applicant has delineated the portion of the wetland on-site as being 2.81-acres in size which is consistent with our findings. It is our understanding that these wetlands are not regulated by EGLE since they are less than 5-acres in size and not contiguous to a lake, stream, or pond. Furthermore, a significant portion of this wetland is currently under an EGLE conservation easement. The applicant has provided correspondence from EGLE indicating...
EGLE's intent to terminate this conservation easement based on the on-site pre-application meeting. However, it is our opinion that this wetland is regulated by the Township since it meets the criteria outlined in section 5.B.5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

**Wetland C – see below:** The Michigan Resource Inventory System (MIRIS) maps and the National Wetlands Inventory (NWI) maps do not identify this approximately 0.01-acre wetland. The applicant has identified this wetland area as an emergent wetland. It is our understanding that this wetland is not regulated by EGLE since it is less than 5-acres in size and not contiguous to a lake, stream, or pond. However, it is our opinion that this wetland is regulated by the Township since it meets the criteria outlined in section 5.B.5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

**Wetland D – see below:** The Michigan Resource Inventory System (MIRIS) maps and the National Wetlands Inventory (NWI) maps identify this wetland as a 0.32-acre freshwater pond (PUBGx). The majority of this wetland is off-site to the west. The applicant has delineated the portion of the wetland on-site as being 0.02-acres in size which is consistent with our findings. It is our understanding that these wetlands may be regulated by EGLE since the MIRIS maps indicate an off-site EGLE conservation easement over this wetland. In addition, it is our opinion that this wetland is regulated by the Township since it meets the criteria outlined in section 5.B.5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

**Wetland E – see below:** The Michigan Resource Inventory System (MIRIS) maps and the National Wetlands Inventory (NWI) maps do not identify this approximately 0.01-acre wetland. The applicant has identified this wetland area as an emergent wetland. It is our understanding that this wetland is not regulated by EGLE since it is less than 5-acres in size and not contiguous to a lake, stream, or pond. However, it is our opinion that this wetland is regulated by the Township since it meets the criteria outlined in section 5.B.5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

As noted in the below pictures, the vegetation in the on-site wetlands generally consists of cattails and invasive species such as phragmites. While the wetlands provide local flood and storm control by absorption and storage (Item 5.B.5), they do not appear to be of high-quality meeting other criteria listed below:

2. The site represents what is identified as a locally rare or unique ecosystem.
3. The site supports plants or animals of an identified local importance.
4. The site provides groundwater recharge documented by a public agency.
5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
6. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory water fowl and rare, threatened, or endangered wildlife species.
7. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
8. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
10. The site provides sources of nutrients in water cycles and nursery grounds and sanctuaries for fish.
Wetland A – approximately 0.20 acres in size with emergent scrub-shrub vegetation
Wetland B – approximately 2.81 acres in size with emergent vegetation such as cattails and phragmites.
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Wetland D – approximately 5.32 acres in size freshwater pond with emergent vegetation such as cattails and phragmites. Approximately 0.02 acres of this wetland is on-site in the SW corner.
Wetland D – approximately 5.32 acres in size freshwater pond with emergent vegetation such as cattails and phragmites. Approximately 0.02 acres of this wetland is on-site in the SW corner.
IMPACT OF THE PROPOSED PROJECT ON THE WETLANDS:

Impact to Wetlands:

It appears the applicant is proposing to fill all on-site wetlands (A, B, C, and E) except wetland D, which is to remain undisturbed with applicable buffer. The proposed grading plans prepared by Atwell should be updated to show the wetlands as delineated and proposed fill. Based on the above understanding, this would amount to 3.03 acres of fill of Township regulated wetlands. The permit application only indicates filling 3.0 acres based on the assumption that wetlands A, C and E are not regulated by the Township. The permit application should be revised accordingly. The fill is being requested to complete earth balancing operations for a future development.

As noted in the proposed grading and storm water management plans, the applicant is proposing to construct a detention pond in the north east corner of the site. Prior to any approval to impact the wetlands, the applicant will need to apply for separate engineering review and approval of the submitted grading, stormwater management, and SESC plans as well as obtain an SESC permit from the Township. In addition, approval from MDOT and RCOC may be required.

Proposed Mitigation:

The applicant is not proposing any mitigation for the proposed 3.03 acres of wetland fill. Per the preliminary site plan included in the application, it does not appear to be sufficient room for on-site mitigation. The Planning Commission should determine if mitigation will be required.

Per the Ordinance, the wetland application shall not be approved unless the following exist:

1. The action or use is not likely to or will not pollute, impair, or destroy a wetland. While the proposed project does fill all on-site wetlands except wetland D, it appears these wetlands are only providing storm water management. Since the applicant is proposing to construct a replacement storm water management system, it is our opinion that the function of these wetlands will be mitigated.

2. There are no feasible or prudent alternatives to the proposed action. In our opinion, the proposed land use is consistent with the proposed future use of the property.

3. The approval is consistent with public interest, in light of the stated purposes of this Ordinance. Based on the above findings, it is our opinion the requirements of the Wetlands Protection Ordinance are being met. The applicant intends to provide the required storm water management facilities.

CONCLUSION:

In our opinion, the wetlands submittal for the F&D Silverbell Company, LLC project is in substantial compliance with the Township's Wetlands Protection Ordinance. However, we request that any Wetland Permit approval be contingent upon the following:

1. The wetland permit application be revised to reflect the 3.03 acres of wetland fill consistent with the report.
2. The grading plans be updated to reflect the wetland limits as delineated and indicate proposed fill.
3. The applicant apply for separate engineering approval of the provided grading, stormwater management, SESC plans and obtain an SESC permit from the Township.
4. The Planning Commission should decide if mitigation is required.

Please feel free to contact us with any questions at (248) 751-3107 or mark.landis@ohm-advisors.com
Sincerely,

**OHM Advisors**

Mark A. Landis, P.E.
Project Manager

cc: Chris Barnett, Township Supervisor
    David Goodloe, Building Official
    Jeff Stout, Director of Public Services
    Timmy Girding, Director of Planning and Zoning
    Lynn Harrison, Planning and Zoning Coordinator
    Sara D'Agostini, D'Agostini Companies
    Jeffery King, King & MacGregor Environmental, Inc.
    Michael McPherson, Arwell
    File
Validate that all parts of this checklist are submitted with the application package. Fill out application and additional pages as needed.

- All items in Sections 1 through 9 are completed.
- Project-specific Sections 10 through 20 are completed.
- Dimensions, volumes, and calculations are provided for all impact areas.
- All information contained in the headings for the appropriate Sections (1-20) are addressed, and identified attachments (•) are included.
- Map, site plan(s), cross sections; one set must be black and white on 8 1/2 by 11 inch paper; photographs.

☐ Application fee is attached.

1. **Project Location Information**

   For Latitude, Longitude, and TRS info anywhere in Michigan see [www.mngi.state.mi.us/wetlands/](http://www.mngi.state.mi.us/wetlands/)

<table>
<thead>
<tr>
<th>Project Address (road, if no street address)</th>
<th>Zip Code</th>
<th>Municipality</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southwest corner of Silverbell Road and Lapeer Road</td>
<td>48359</td>
<td>Orion Township</td>
<td>Oakland</td>
</tr>
</tbody>
</table>

   Property Tax Identification Number(s)
   
   | 09-35-100-019 |

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>W</td>
</tr>
</tbody>
</table>

   Subdivision/Plat and Lot Number
   
   | NA |

2. **Applicant and Agent Information**

   Owner/Applicant (individual or corporate name)
   
   | F & D Silverbell Company, LLC |

   Mailing Address
   
   | 38700 Van Dyke, Ste 200 |

   City
   
   | Sterling Heights |

   State
   
   | MI |

   Zip Code
   
   | 48312 |

   Contact Phone Number
   
   | 586-577-8640 |

   Fax
   
   | 586-977-7946 |

   Email
   
   | pedagostini@dagostini.net |

   ☐ No ☑ Yes
   
   Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? ☑ If no, attach letter(s) of authorization from all property owners including the owner of the disposal site.

   Property Owner's Name (if different from applicant)
   
   | |

   Mailing Address
   
   | |

3. **Project Description**

   Project Name
   
   | F & D Silverbell Development (subject to change) |

   Preapplication File Number
   
   | - |

   Date project staked/tagged letter from EGLE
   
   | EGLE onsite March 12, 2020 - See attached |

   Name of Water body
   
   | None, Wetland |

   The proposed project is on, within, or involves (check all that apply)

   - an inland lake (5 acres or more)
   - a pond (less than 5 acres)
   - a stream, river, ditch or drain
   - a legally established County Drain Date Drain was established
   - a channel/crest
   - 500 feet of an existing water body

   - a Great Lake or Section 10 Waters
   - a wetland
   - a 100-year floodplain
   - a dam
   - a designated high risk erosion area
   - a designated critical dune area
   - a designated environmental area

   Project Use
   
   - private
   - commercial
   - public/government
   - project is receiving federal/state transportation funds
   - Wetland Restoration
   - other land balancing for future industrial/commercial development

   Indicate the type of permit being applied for:
   
   - General Permit
   - Minor Project
   - Individual (All other projects.) ☑ See Appendix C.

   Written Summary of All Proposed Activities
   
   Place approximately 7,600 cubic yards of onsite fill within wetland area of 3 acres to support earth balancing of the subject site.

   Construction Sequence and Methods
   
   Site will be land balanced, and proposed wetland impacts will occur as part of land balancing.
### Project Purpose, Use and Alternatives
*Attach additional sheets as necessary.*

Describe the purpose of the project and its intended use; include any new development or expansion of an existing land use. *Site will be land balanced for future industrial/commercial development.*

Describe the alternatives considered to avoid or minimize resource impacts. Include factors such as, but to limited to, alternative locations, project layout and design, and construction technologies. For utility crossings include alternative routes and construction methods. *In order to efficiently and effectively land balance the site for future development, the proposed impacts are unavoidable.*

### Locating Your Project Site
*Attach a legible black and white map with a North arrow.*

Names of roads of closest intersection: *This parcel is the southwest corner of Silverbell and Lapeer Roads.*

Directions from main intersection to the project site, with distances from the best and nearest visible landmark and water body: *Site is at southwest corner of Silverbell and Lapeer Roads.*

Description of buildings on the site (color; 1 or 2 story; other): *None*

Description of adjacent landmarks or buildings (address; color; etc): *Existing manufacturing facility to west, address 315 W Silverbell Road.*

How can your site be identified if there is no visible address? *Site is the southwest corner of Silverbell and Lapeer Roads.*

### Easements and Other Permits

☐ No ☐ Yes Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property? If yes, attach a copy. Provide copies of court orders and legal lake levels if applicable. *See Exhibit*

List all other federal, interstate, state, or local agency authorizations including required assurances for Critical Dune Area projects.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Type of Approval</th>
<th>Number</th>
<th>Date Applied</th>
<th>Date approved/denied</th>
<th>Reason for denial</th>
</tr>
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### Compliance

If a permit is issued, when will the activity begin? (M/D/Y): *Immediately after permit is issued* Proposed completion date (M/D/Y): *No later than 6 months after commencement*

☐ No ☐ Yes Has any construction activity commenced or been completed in a regulated area? If yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s).

☐ No ☐ Yes Were the regulated activities conducted under a DEQ and/or USACE permit? If yes, list the permit numbers.

☐ No ☐ Yes Are you aware of any unresolved violations of environmental law or litigation involving the property? If yes, attach explanation.

### Adjoining Property Owners
*Provide current mailing addresses. Attach additional sheets/labels for long lists.*

<table>
<thead>
<tr>
<th>Established Lake Board</th>
<th>Contact Person</th>
<th>Mailing Address</th>
<th>City</th>
<th>State and Zip Code</th>
</tr>
</thead>
</table>

List all adjoining property owners. If you own the adjoining lot, provide the requested information for the first adjoining parcel that is not owned by you.

Property Owner's Name | Mailing Address | City | State and Zip Code
----------------------|----------------|------|--------------------|

*See "Exhibit to Section 8" attached*
**Applicant's Certification**  
*Read carefully before signing.*

I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application; that it is true and accurate; and, to the best of my knowledge, that it is in compliance with the State Coastal Zone Management Program. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the DEQ, USACE, and/or their agents or contractors to enter upon said property in order to inspect the proposed activity site before and during construction and after the completion of the project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Printed Name</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒</td>
<td>F &amp; D Silverbell Company, LLC</td>
<td>[Signature]</td>
<td>08-11-2020</td>
</tr>
</tbody>
</table>
### Projects Impacting Inland Lakes, Streams, Great Lakes, Wetlands or Floodplains

- Complete only those sections A through M applicable to your project.
- If your project impacts wetlands also complete Section 12. If your project impacts regulated floodplains also complete Section 13.
- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27. Example: 25 ft long x 10 ft wide x 2 feet deep) / 27 = 18.5 cubic yards
- Some projects on the Great Lakes require an application for conveyance prior to Joint Permit Application completeness.
  - Provide a black and white overall site plan, with cross-section and profile drawings. Show existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures, land change activities and soil erosion and sedimentation control measures. Review Appendix B and EZ Guides for aid in providing complete site-specific drawings.
  - Provide tables for multiple impact areas or multiple activities such as multiple fill areas or multiple culverts. Include your calculations.

#### Water Level Elevation

<table>
<thead>
<tr>
<th>On inland waters</th>
<th>On a Great Lake</th>
<th>Observed water elevation (ft)</th>
<th>Date of observation (M/D/Y)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGVD 29</td>
<td>IGLD 65</td>
<td>Surveyed</td>
<td>Converted from observed still water elevation</td>
</tr>
</tbody>
</table>

#### A. PROJECTS REQUIRING FILL (See All Sample Drawings)
- Attach a site plan and cross-section views to scale showing maximum and average fill dimensions with calculations.
- For multiple impact areas on a site provide a table with location, dimensions and volumes for each fill area.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Dimensions of fill (ft)</th>
<th>Total volume (cubic yards)</th>
<th>Volume below OHWM (cubic yards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioengineered shore protection</td>
<td>635 x 575 x 4</td>
<td>7,600</td>
<td>n/a</td>
</tr>
<tr>
<td>Boat ramp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat well</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridge or culvert</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crib dock</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naval</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seawall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swim area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other land balancing</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fill will extend n/a feet into the water from the shoreline and upland n/a feet out of the water.

#### Type of clean fill
- Peastone
- Sand
- Gravel
- Other existing onsite material

#### Source of clean fill
- Commercial
- On-site
- Other

#### B. PROJECTS REQUIRING DREDGING OR EXCAVATION (See Sample Drawings)
- Refer to [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit) for spoils disposal and authorization requirements.
- Attach a site plan and cross-section views to scale showing maximum and average dredge or excavation dimensions with calculations.
- For multiple impact areas on a site provide a table with location, dimensions and volumes for each dredge/excavation area.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Dimensions (ft)</th>
<th>Total volume (cu yd)</th>
<th>Volume below OHWM (cu yd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat ramp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat well</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridge or culvert</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance dredge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Navigation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pond/basin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Has this same area been previously dredged?
- No
- Yes

Will the previously dredged area be enlarged?
- No
- Yes

Is long-term maintenance dredging planned?
- No
- Yes

#### Dredge or Excavation Method
- Hydraulic
- Mechanical
- Other

#### Spills Disposal
- Dredged or excavated spills will be placed
- On-site
- Landfill
- USACE confined disposal facility
- Other upland off-site
- For disposal, provide a detailed spills disposal area location map and site plan with property lines.
- Letter of authorization from property owner of spills disposal site, if disposed off-site
- For volumes less than 5,000 cu yd, has proposed dredge material been tested for contaminants within the past 10 years?
- No
- Yes

#### C. PROJECTS REQUIRING RIPRAP (See Sample Drawings 2, 3, 8, 12, 14, 22, and 23)

<table>
<thead>
<tr>
<th>Riprap waterward of the ordinary high water mark: dimensions (ft)</th>
<th>Length</th>
<th>Width</th>
<th>Depth</th>
<th>Volume (cu yd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riprap landward of the ordinary high water mark: dimensions (ft)</td>
<td>Length</td>
<td>Width</td>
<td>Depth</td>
<td>Volume (cu yd)</td>
</tr>
</tbody>
</table>

Type and size of riprap (inches)
- Field stone
- Angular rock
- Other

Will filter fabric or pea stone be used under proposed riprap?
- No
- Yes, Type
### D. SHORE PROTECTION PROJECTS
(See EZ Guides and Sample Drawings 2, 3, and 17. Complete Sections 10A, B, and/or C.)
- For bioengineering projects include the list of native plants/seeds, if available.

<table>
<thead>
<tr>
<th>Type and length (ft)</th>
<th>bioengineering (ft)</th>
<th>revetment (ft)</th>
<th>riprap (ft)</th>
<th>seawall/bulkhead (ft)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Structure is</th>
<th>new</th>
<th>repair</th>
<th>replacement of an existing structure</th>
<th>Will the existing structure be removed?</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
</table>

Proposed Toe Stone (linear foot)

Distance of project from adjacent property lines (ft)

Distance of project from an obvious fixed structure (example - 50 ft from SW corner of house)

For bioengineering projects indicate the structure type: [ ] brush bundles [ ] coir log [ ] live stakes [ ] tree revetment [ ] other

### E. DOCK - PIER - MOORING PILING (See Sample Drawing 10)
- Attach a copy of the property legal description, mortgage survey, or a property boundary survey report.

<table>
<thead>
<tr>
<th>Dock Type</th>
<th>[ ] open pile</th>
<th>[ ] filled</th>
<th>[ ] cnb</th>
<th>[ ] floating</th>
<th>[ ] cantilevered</th>
<th>[ ] spring piles</th>
<th>[ ] piling clusters</th>
<th>[ ] other</th>
</tr>
</thead>
</table>

Is the structure within the applicant's riparian area interest area? [ ] No | [ ] Yes
- Show parcel property lines on the site plan.

Proposed structure dimensions (ft) | length | width
|-------------------------------|--------|--------|

Dimensions of nearest adjacent structures (ft) | length | width
|-------------------------------|--------|--------|

Use [ ] private [ ] public [ ] commercial

### F. BOAT WELL (See EZ Guide. Complete Sections 10A and 10B)

<table>
<thead>
<tr>
<th>Dimensions (ft)</th>
<th>length</th>
<th>width</th>
<th>depth</th>
</tr>
</thead>
</table>

Number of boats

Type of sidewall stabilization [ ] concrete [ ] riprap [ ] steel [ ] vinyl [ ] wood [ ] other

Volume of backfill behind sidewall stabilization (cu yd)

Distance of boat well from adjacent property lines (ft)

### G. BOAT RAMP (See EZ Guide. Complete sections 10A, 10B, and 10C for mattress and pavement fill, dredge, and riprap)

<table>
<thead>
<tr>
<th>Type</th>
<th>[ ] new</th>
<th>[ ] existing</th>
<th>[ ] maintenance/improvement</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Existing overall boat ramp dimensions (ft)</th>
<th>length</th>
<th>width</th>
<th>depth</th>
</tr>
</thead>
</table>

Type of construction material [ ] concrete [ ] wood [ ] stone [ ] other

Proposed overall ramp dimensions (ft) | length | width | depth |
|---------------------------------------|--------|-------|-------|

Proposed skid pier dimensions (ft) | length | width |
|-----------------------------------|--------|-------|

Number of proposed skid piers

Proposed skid pier dimensions (ft) | length | width |
|----------------------------------|--------|-------|

Distance of ramp from adjacent property lines (ft)

### H. BOAT HOIST - ROOFS (See EZ Guide)

<table>
<thead>
<tr>
<th>Type</th>
<th>[ ] cradle</th>
<th>[ ] side lifter</th>
<th>[ ] other</th>
</tr>
</thead>
</table>

Located on [ ] seawall | [ ] dock | [ ] bottomlands

Hoist dimensions, including catwalks (ft) | length | width |
|--------------------------------------------|--------|-------|

Area occupied, including cat walks (sq ft)

Permanent Roof [ ] No | [ ] Yes
- If Yes, how is the roof supported?

Maximum Roof Dimensions (ft): length | width | height
|--------------------------------------|-------|--------|

### I. BOARDWALKS and DECKS IN WETLANDS or FLOODPLAINS (See Sample Drawings 5 and 6. Complete Sections 12 and/or 13)
- Provide a table for multiple boardwalks and decks proposed in one project; include locations and dimensions

<table>
<thead>
<tr>
<th>Wetlands</th>
<th>Floodplains</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boardwalk [ ] on pilings [ ] on fill</td>
<td>Deck [ ] on pilings [ ] on fill</td>
</tr>
<tr>
<td>Dimensions (ft)</td>
<td>length</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------</td>
</tr>
</tbody>
</table>

<p>| Boardwalk [ ] on pilings [ ] on fill | Deck [ ] on pilings [ ] on fill |</p>
<table>
<thead>
<tr>
<th>Dimensions (ft)</th>
<th>length</th>
<th>width</th>
</tr>
</thead>
</table>

<p>| Boardwalk [ ] on pilings [ ] on fill | Deck [ ] on pilings [ ] on fill |</p>
<table>
<thead>
<tr>
<th>Dimensions (ft)</th>
<th>length</th>
<th>width</th>
</tr>
</thead>
</table>

### J. INTAKE PIPES (See Sample Drawing 16) or OUTLET PIPES (See Sample Drawing 22)

If outlet pipe, discharge is to [ ] inland lake [ ] stream, drain or river [ ] overland flow [ ] Great Lake [ ] wetland [ ] other

Number of pipes

Pipe diameters and invert elevations

Does pipe discharge below the OHWM? [ ] No | [ ] Yes

Is the water treated before discharge? [ ] No | [ ] Yes

Type [ ] headwall [ ] end section [ ] other

Dimensions of headwall OR end section (ft) | length | width | height
|------------------------------------------|--------|-------|--------|
K. MOORING and NAVIGATION BUOYS (See EZ Guide for Sample Drawing)

- Provide a site plan showing the distances between each buoy and from the shore to each buoy, and depth (ft) of water at each location.
- Provide cross-section drawing(s) showing anchoring system(s) and dimensions.

<table>
<thead>
<tr>
<th>Number of buoys</th>
<th>Dimensions of buoys (ft)</th>
<th>Boat Lengths</th>
<th>Type of anchor system</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>width</td>
<td>height</td>
<td>swing radius</td>
</tr>
</tbody>
</table>

Buoy Location: Latitude: N Longitude: W. Provide a table for multiple buoys.

Do you own the property along the shoreline? [ ] No [ ] Yes

- If No, attach an authorization letter from the property owner(s).

Do you own the bottomlands? [ ] No [ ] Yes

- If No, attach an authorization letter from the property owner(s).

L. FENCES

- Provide an overall site plan showing the proposed fencing through streams, wetlands or floodplains.
- Provide a drawing of fence profile showing the design, dimension, post spacing, mesh, and distance from ground to bottom of fence.

<table>
<thead>
<tr>
<th>Purpose of fence</th>
<th>Airport</th>
<th>Cervidae</th>
<th>Livestock</th>
<th>Residential</th>
<th>Security</th>
<th>Other</th>
</tr>
</thead>
</table>

Total length (ft) of fence through:
- streams
- wetlands
- floodplains

Fence height (ft)
Fence type and material

M. OTHER - e.g., structure removal, maintenance or repair, aerator, dry fire hydrant, gold prospecting, habitat structures, scientific measuring devices, soil borings, or survey activities.

Structure description, dimensions and volumes. Complete Sections 10A-C as applicable. *Only conducting land balancing*

11 Expansion of an Existing or Construction of a New Lake or Pond (See Sample Drawings 4 and 15)

- Complete Section 10J for outlets and Section 17 for water control structures.
- Provide elevations, cross-sections and profiles of outlets, dams, dikes, water control structures and emergency spillways to nearest water bodies.

Which best describes your proposed water body use (check all that apply)
[ ] mining [ ] recreation [ ] storm water retention basin [ ] wastewater basin [ ] wildlife [ ] other

Water source for lake/pond
[ ] groundwater [ ] natural springs [ ] Inland Lake or Stream [ ] storm water runoff [ ] pump [ ] sewage [ ] other

Location of the lake/lagoon/pond
[ ] floodplain [ ] wetland [ ] stream (inland) [ ] upland

Maximum dimensions (ft)
- length
- width
- depth

Maximum Area: [ ] acres [ ] sq ft

Has there been a hydrologic study performed on the site? [ ] No [ ] Yes

- If Yes, provide a copy.

Has the DEQ conducted a wetland assessment for this parcel? [ ] No [ ] Yes

- If Yes, provide a copy with WIP number.

Has a professional wetland delineation been conducted for this parcel? [ ] No [ ] Yes

- If Yes, provide a copy with data sheets.

Spills Disposal

Dredged or excavated spots will be placed [ ] on-site [ ] landfill [ ] USACE confined disposal facility [ ] other upland off-site

For disposal, provide a [ ] Detailed spills disposal area location map and site plan with property lines.

- Letter of authorization from property owner of spills disposal site, if disposed off-site.
### Activities That May Impact Wetlands

- Locate your site and wetland information with the DEQ Wetlands Map Viewer at [www.mcoi.state.mi.us/wetlands](http://www.mcoi.state.mi.us/wetlands).
- For information on the DEQ's Wetland Identification Program (WIP) visit [www.mi.gov/wetlands](http://www.mi.gov/wetlands).
  - Provide a detailed site plan with labeled property lines, upland and wetland areas, and dimensions and volumes of wetland impacts.
  - Complete the wetland dredge and wetland fill dimension information below for each impacted wetland area.
  - Attach tables for multiple impact areas or activities.
  - Attach at least one cross-section for each wetland dredge and/or fill area; show wetland and upland boundaries on the cross-section.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the DEQ conducted a wetland assessment for this parcel?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has a professional wetland delineation been conducted for this parcel?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a recorded DEQ easement on the property?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did the applicant purchase the property before October 1, 1980?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is any grading or mechanized land clearing completed?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Proposed Activity
- boardwalk or deck (Section 10I)
- dewatering
- fences (Section 10L)
- septic system
- bridges and culverts (Section 14)
- draining surface water
- fill or dredge
- stormwater discharge (Section 10J)
- designated environmental area
- driveway / road
- restoration
- other land balancing

#### Fill
- Maximum length (ft) 635
- Maximum width (ft) 575
- Area
  - Acres: 2
  - Square Foot: 3
- Average depth (ft)
- Volume (cu yd): 7600

#### Dredge
- Maximum length (ft)
- Maximum width (ft)
- Area
  - Acres: 2
  - Square Foot: 3
- Average depth (ft)
- Volume (cu yd)

#### Spills Disposal
- Dredged or excavated spoils will be placed
  - On-site
  - Landfill
  - USACE confined disposal facility
  - Other upland off-site
- For disposal, provide a
  - Detailed spills disposal area location map and site plan with property lines.
  - Letter of authorization from property owner of spills disposal site, if disposed off-site.

#### Septic System
- The proposed project will be serviced by:
  - Public sewer
  - Private septic system
- Show system on plans.
- If a private septic system is proposed, has an application for a permit been made to the County Health Department? Yes
- If Yes, has a permit been issued? Yes
- Provide a copy of the permit.

Describe the wetland impacts, the proposed use or development, and the alternatives considered:

**Applicant would like to conduct land balancing of the site. In order to efficiently and effectively land balance the site for future development, the proposed impacts are unavoidable.**

Describe how impacts to waters of the United States will be avoided and minimized:

**n/a**

Describe how the impact to waters of the United States will be compensated. OR Explain why compensatory mitigation should not be required for the proposed impacts.

**n/a**
### Floodplain Activities

(See Sample Drawing 5 and others. Complete other applicable sections.)

- For more information go to [www.mi.gov/floodplainmanagement](http://www.mi.gov/floodplainmanagement). This site also lists the projects and requirements for an expedited floodplain review under "Expedited Review Information for Minor Floodplain Projects."
- Examples of projects proposed within the non-floodway portions of the 100-year-floodplain which may qualify for an expedited review: Open pile decks and boardwalks; residences, commercial/industrial facilities, garages and accessory structures; parking lots; pavilions, gazebos, large community playground structures, residential swimming pools
- Examples of projects proposed within the floodway portions of the floodplain which may qualify for an expedited review: Open pile decks and boardwalks, (non-enclosed) that are anchored to prevent flotation and that do not extend over the bed and bank of a watercourse; parking lots constructed at grade or resurfacing that is no more than 4 inches above the existing grade; dry hydrants that do not require fill placement; scientific structure such as staff gauges, water monitoring devices, water quality testing devices, and core sampling devices which meet specific design criteria and fish structures that meet specific design criteria.
- For expedited review include:
  - Photographs of the work site labeled to identify what is being shown and with the direction of the photo clearly indicated. Include photographs of any river or stream adjacent to the project.
  - A letter or statement from the local unit of government acknowledging your proposed application. See the website for sample wording.
  - A hydraulic analysis or hydrologic analysis may be required to fully assess floodplain impacts.
  - The state building code requires an Elevation Certificate for any building construction or addition in a floodplain. A sample form can be found at [www.fema.gov/rdp/elevinst.sh.tm](http://www.fema.gov/rdp/elevinst.sh.tm).
  - Attach additional sheets or tables for multiple proposed floodplain activities and provide hydraulic calculations.
  - Show reference datum used on plans.

<table>
<thead>
<tr>
<th>Proposed Activity</th>
<th>fill</th>
<th>excavation or cut</th>
<th>100-year floodplain elevation (ft) (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Datum □ NGVD 29 □ NAVD 88 □ other</td>
</tr>
</tbody>
</table>

Site is □ feet above □ ordinary high water mark (OHWM) OR □ observed water level. Date of observation (M/D/Y)

Fill volume below the 100-year floodplain elevation (cu yds) Compensating cut volume below the 100-year floodplain elevation (cu yds)

| Type of construction is □ residential □ garage/pole barn □ non residential □ other |
| Construction is □ new □ addition AND Serviced by □ public sewer □ private septic □ other |

| Lowest adjacent grade (ft): existing □ proposed □ Datum □ NGVD 29 □ NAVD 88 □ other |

<table>
<thead>
<tr>
<th>Buildings and/or Additions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Structure Information</td>
</tr>
<tr>
<td>Foundation type □ basement</td>
</tr>
<tr>
<td>□ concrete slab on grade □ pilings</td>
</tr>
<tr>
<td>□ crawl space □ other</td>
</tr>
<tr>
<td>Foundation floor elevation (ft)</td>
</tr>
<tr>
<td>Height of crawl space/basement from finished foundation floor to bottom of floor joists (ft)</td>
</tr>
<tr>
<td>Elevation of 1st floor above basement floor/crawl space (ft)</td>
</tr>
</tbody>
</table>

For enclosed areas below the flood elevation, such as a crawl space, garages and accessory structures:

Area of proposed foundation (sq ft)

Elevation of proposed enclosed area (ft) Datum □ NGVD 29 □ NAVD 88 □ other

Number of flood vents net opening of each vent (sq inches) lowest elevation of flood vents (ft)
### Bridges and Culverts

Including Foot and Cart Bridges. (See EZ Guides and Sample Drawings 5, 14A, 14B, 14C, 14D.)

- Complete other applicable Sections, including 10A-C.
- A hydraulic analysis or hydrologic analysis may be required to fully assess impacts. Attach hydraulic calculations.
- High Water Elevation - describe reference point and highest known water level above or below reference point and date of observation. Attach additional sheets for multiple bridges and/or culverts.
- Provide detailed site-specific drawings of existing and proposed Plan and Elevation View at a scale adequate for detailed review. Provide all information in the boxes below; do not write in a reference to plan sheets. Show reference datum used on plans.

#### Stream Information

<table>
<thead>
<tr>
<th>The site has a high water elevation (ft)</th>
<th>□ above or □ below the Reference Point of Date observed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference datum used □ NGVD 29 □ NAVD 88 □ IGLD 85 (Great Lakes coastal areas) □ other</td>
<td></td>
</tr>
<tr>
<td>Average stream width (ft) at the ordinary high water mark (OHWM) outside the influence of any ponding or scour holes around the structure</td>
<td>Upstream Downstream</td>
</tr>
<tr>
<td>Cross-sectional area of primary channel (sq ft)</td>
<td>(See Sample Drawing 14C for more information)</td>
</tr>
<tr>
<td>The width of the stream where the water begins to overflow its banks. Bankfull width (ft)</td>
<td>Upstream Downstream</td>
</tr>
<tr>
<td>The invert of the stream 100-feet from structure (ft)</td>
<td></td>
</tr>
</tbody>
</table>

Is the existing culvert perched? □ No □ Yes. If Yes, provide a profile of the channel bottom at the high and low points for a distance of 200 feet upstream and downstream of the culvert.

### Complete this form for each bridge / culvert location.

<table>
<thead>
<tr>
<th>Number of bridge spans</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bridge type (concrete box beam, concrete I-beam, timber, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridge span (length perpendicular to stream) (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridge width (parallel to stream) (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bottom of bridge beam (ft)</td>
<td>Upstream Downstream</td>
<td></td>
</tr>
<tr>
<td>Stream invert elevation at bridge (ft)</td>
<td>Upstream Downstream</td>
<td></td>
</tr>
<tr>
<td>Bridge rise from bottom of beam to streambed (ft)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of culverts</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Culvert type (arch, bottomless, box, circular, elliptical, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culvert material (concrete, corrugated metal, plastic, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culvert length (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culvert □ width □ diameter (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culvert height prior to any burying (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depth culvert will be buried (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevation of culvert crown (ft)</td>
<td>Upstream Downstream</td>
<td></td>
</tr>
<tr>
<td>Higher elevation of □ culvert invert OR □ streambed with n culvert (ft)</td>
<td>Upstream Downstream</td>
<td></td>
</tr>
</tbody>
</table>

### Complete for both Bridges and Culverts

| Entrance design (mitered, projecting, wingwalls, etc.) | | |
| Total structure waterway opening above streambed (sq ft) | | |
| Total structure waterway area below the 100-year elevation (sq ft) (if known) | | |
| Elevation of road grade at structure (ft) | | |
| Elevation of low point in road (ft) | | |
| Distance from low point of road to mid-point of bridge crossing (ft) | | |
| Length of approach fill from edge of bridge/culvert to existing grade (ft) | | |

A Licensed Professional Engineer may certify that your project will not cause a harmful interference for a range of flood discharges up to and including the 100-year flood discharge. The "Required Certification Language" is found under "forms" on the "maps, forms and documents" link from the www.mi.gov/jointpermit page or a copy may be requested by phone, email, or mail. A hydraulic report supporting this certification may also be required.

Is Certification Language attached? □ No □ Yes
### Stream, River, or Drain Construction, Relocation and Enclosure Activities

- Complete Section 10C for riprap activities.
- If side casting or other proposed activities will impact wetlands or floodplains, complete Sections 12 and 13, respectively.
  - Provide a scaled overall site plan showing existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures and land change activities.
  - Provide scaled cross-section (elevation) drawings necessary to clearly show existing and proposed conditions.
  - For activities on legacy established county drains, provide original design and proposed dimensions and elevations.

#### Stream Information

<table>
<thead>
<tr>
<th>Water elevation (ft)</th>
<th>datum</th>
<th>NGVD 29</th>
<th>NAVD 88</th>
<th>IGLD 85 (Great Lakes coastal areas)</th>
<th>other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Show elevation on plans with description.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimensions (ft) of existing stream/drain channel</th>
<th>length</th>
<th>width</th>
<th>depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing channel average water depth in a normal year (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proposed Activity**
- enclosure
- improvement
- maintenance
- new drain
- relocation
- wetlands
- other

If an enclosed structure is proposed, check material type:
- concrete
- corrugated metal
- plastic
- other

<table>
<thead>
<tr>
<th>Dimensions (ft) of the structure</th>
<th>diameter</th>
<th>length</th>
<th>Volume of fill (cu yds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will old/enclosed stream channel be backfilled to top of bank grade?</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of channel to be abandoned (ft)</th>
<th>Volume of fill (cu yds)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Dimensions (ft) of improved, maintained, new, relocated or wetland stream/drain channel</th>
<th>Volume of dredge/excavation (cu yds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>length</td>
<td>width</td>
</tr>
</tbody>
</table>

How will slopes and bottom be stabilized?

**Spoils Disposal**

Dredged or excavated spoils will be placed:
- on-site
- landfill
- USACE confined disposal facility
- other upland off-site

For disposal, provide a:
- Detailed spoils disposal area location map and sit plan with property lines.
- Letter of authorization from property owner of spoils disposal site, if disposed off-site.

### Drawdown of an Impoundment

- If wetlands will be impacted, complete Section 12.

**Type of drawdown**
- over winter
- temporary
- one-time event
- annual event
- permanent (dam removal)
- other

Reason for drawdown

<table>
<thead>
<tr>
<th>Has there been a previous drawdown?</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Yes, provide date (M/D/Y)</td>
<td>Previous DEQ permit number, if known</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does waterbody have established legal lake level?</th>
<th>No</th>
<th>Yes</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dam ID Number, if known</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Extent of vertical drawdown (ft)</th>
<th>Impoundment design head (ft)</th>
<th>Number of adjoining or impacted property owners</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date drawdown would start (M/D/Y)</th>
<th>Date drawdown would stop (M/D/Y)</th>
<th>Rate of drawdown (ft/day)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date refilling would start (M/D/Y)</th>
<th>Date refilling would end (M/D/Y)</th>
<th>Rate of refill (ft/day)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Type of outlet discharge structure to be used</th>
<th>Impoundment area at normal water level (acres)</th>
<th>Sediment depth behind impoundment discharge structure (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>surface</td>
<td>bottom</td>
<td>mid-depth</td>
</tr>
</tbody>
</table>
17 Dam, Embankment, Dike, Spillway, or Control Structure Activities (See Sample Drawing 15)

- For more information go to www.mi.gov/damsafety. If wetlands will be impacted, complete Section 12.
- Information on removing a dam is available at www.mi.gov/damsafety and following the Related Link - Dam Management.
  ♥ ♥ Attach detailed signed and sealed engineering plans for a Part 315 dam repair, dam alteration, dam abandonment, or dam removal.
  ♥ Part 315 Dam Safety application fees are added to all other application fees.
  ♥ Mail applications for dams regulated under Part 315 to DEQ, WRD, P. O. BOX 30458, LANSING, MI 48909-7958, attention Dam Safety.

<table>
<thead>
<tr>
<th>Proposed Activity</th>
<th>□ abandonment</th>
<th>□ alteration</th>
<th>□ enlargement of an existing dam</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ removal</td>
<td>□ repair</td>
<td>□ reconstruction of a failed dam</td>
<td></td>
</tr>
<tr>
<td>□ new dam construction</td>
<td>□ other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dam ID Number, if known</th>
<th>Type of outlet discharge structure</th>
<th>□ surface</th>
<th>□ bottom</th>
<th>□ mid-depth</th>
</tr>
</thead>
</table>

Will proposed activities require a drawdown of the waterbody to complete the work? □ No □ Yes ♥ if Yes, complete Section 16.

Structural height (difference between embankment top elevation and streambed elevation at downstream embankment toe) (ft) ______

Hydraulic Height (difference between design flood elevation and streambed elevation at downstream embankment toe) (ft) ______

Impoundment size at design flood elevation (acres) ______

Does dam meet the criteria for regulation under Part 315? (i.e. hydraulic height of 6 feet or more and an impoundment size at the design flood of 5 surface acres or more) □ No □ Yes

<table>
<thead>
<tr>
<th>Dredging/excavation volume (cu yd)</th>
<th>Fill volume (cu yd)</th>
<th>Riprap volume (cu yd)</th>
</tr>
</thead>
</table>

Will a water diversion during construction be required? □ No □ Yes

If Yes, describe how the stream flow will be controlled through the dam construction area during the proposed project activities:

Complete the following for a new dam, reconstruction of a failed dam or enlargement of an existing dam

For Part 315 regulated dams, the following must be attached:
♥ Site-specific conceptual plans of the dam for resource impact review (An engineering report and detailed engineering plans are not required until the project has been determined to be permitable).
♥ A description and evaluation of the loss of natural resources associated with the project.
♥ A description of the natural resources that are associated with or created by the impoundment and how they offset the natural resources lost by the creation of the impoundment.
♥ An assessment of all known existing and potential adverse effects within the scope of the project.

<table>
<thead>
<tr>
<th>Embankment dimensions</th>
<th>length (ft)</th>
<th>top width (ft)</th>
<th>bottom width (ft)</th>
<th>slopes (vertical / horizontal)</th>
<th>Upstream</th>
<th>Downstream</th>
</tr>
</thead>
</table>

Have soil borings been taken at dam location? □ No □ Yes ♥ If Yes, attach results.

Do you have flowage rights to all proposed flooded property at the design flood elevation? □ No □ Yes ♥ If No, provide a letter of authorization from the property owner.

Applications for Part 315 regulated dam removal projects must also include the following:

An evaluation of the capacity of the remaining structure to pass flood flows.
An evaluation of the quantity and quality of the sediments behind the impoundment.
A description of the methods to be employed to control sediments.
An assessment of all known existing and potential adverse impacts within the scope of the project.
Utility Crossings (See Sample Drawings 12 and 13, and EZ Guide)

- If side casting is proposed, complete Sections 10A and 10B. If spoils will be placed in or impact wetlands, complete Section 12.
- Attach additional sheets or tables with the requested information as needed for multiple crossings.
- For wetland crossings using the open trench method show clay plugs at the wetland/upland boundaries on the plans.

Crossing of □ Inland Lake or Stream □ floodplain □ Great Lake □ wetlands (also complete Section 12)

What method will be used to construct the crossings? □ directional boring □ jack and bore □ open trench □ plow / knife □ flume

<table>
<thead>
<tr>
<th>Utility Type</th>
<th>Number of lake or stream crossings</th>
<th>Number of wetland crossings</th>
<th>Pipe diameter with casing (in)</th>
<th>Pipe length per crossing (ft)</th>
<th>Distance below streambed or wetland (in)</th>
<th>Trench width (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ sanitary sewer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ storm sewer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ watermain</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ cable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ electric</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ fiber optic cable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ oil/gas pipeline</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Marina Construction, Expansion and Reconfiguration (See Sample Drawing 21)

- For more information go to www.mi.gov/marinas.
- Marinas located on the Great Lakes, including Lake St. Clair, may be required to secure leases or conveyances from the state of Michigan to place structures on the bottomlands. If a conveyance is necessary, an application must be submitted before the Joint Permit Application can be determined complete.
- Fully complete Section 10 E. For multiple structures provide a table with the requested information.
- Enclose a copy of any current pump-out agreement with another marina facility, if on-site sanitary pump out facilities are not available.
- Attach a copy of the property legal description, mortgage survey, or a property boundary survey to your application.
- The WRD may require a riparian interest area (RIA) estimate survey, sealed by a licensed surveyor, in order to determine whether the proposed project will adversely impact riparian rights. Include any available sealed RIA estimate survey and/or written authorizations from affected adjoining riparian owners with your application.

<table>
<thead>
<tr>
<th>Proposed Marina Activity</th>
<th>□ New construction</th>
<th>□ Expansion</th>
<th>□ Reconfiguration</th>
</tr>
</thead>
</table>

Do you have an existing Great Lake Conveyance? □ No □ Yes. For more information visit www.mi.gov/deqgreatlakes.

Are sanitary pump-out facilities available? □ No □ Yes. Is there a pump out agreement? □ No □ Yes. If Yes, provide a copy.

<table>
<thead>
<tr>
<th>Marina Description</th>
<th>Current Count</th>
<th>Final Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of boat slips/wells (do not include broadside dockage or mooring buoys)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lineal feet of broadside dockage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum number of boats at broadside dockage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of mooring buoys</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of launch ramps/lanes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

44
Critical Dune Areas and High Risk Erosion Areas (See Sample Drawings 19 and 20)

Critical Dune Areas (See Sample Drawing 20)
- Although not required, submitting PHOTOGRAPHS of the site may provide for a faster application review.
- For more information go to [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit), select “Sand Dune Protection” under “Related Links.”
- All property boundaries and proposed structure corners, including decks, septic systems, water wells, driveways, grading, and terrain alteration locations must be staked before the WRD site inspection.
- Scaled overhead and cross-section plans must include all property boundaries, locations, and dimensions of all existing structures and impacted areas, and all proposed structures, terrain alterations, and construction access. Cross-sections must show existing and proposed grades, including foundations.
- Construction in critical dune areas on slopes greater than 33 percent (1 vertical: 3 horizontal) is prohibited without a special exception.
- Construction in critical dune areas on slopes that measure from 25 percent (1 vertical: 4 horizontal) to less than 33 percent requires sealed plans prepared by a registered architect or licensed professional engineer.

High Risk Erosion Areas (See Sample Drawing 19)
- For more information go to [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit), select “HREA” under “Related Links.”
- All property boundaries, proposed structure corners, and septic system locations must be staked before the WRD site inspection.
- Scaled overhead plans must include all property boundaries, and the location and dimensions of all structures and septic systems must be included.
- Additional information, including the building construction plans, may be required to complete the application review.

<table>
<thead>
<tr>
<th>Parcel dimensions (ft) width depth</th>
<th>Date project staked (M/D/Y)</th>
<th>Property is a □ platted lot □ unplatted parcel</th>
<th>Year current property boundaries created</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dune habitat present in Building Site and access route (check all that apply): □ Wooded □ Open Dune □ Shrubs □ Bare Sand □ Lakefront Lot □ MNFI Community if known: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of construction activities □ addition □ driveway □ garage □ new home □ renovation □ septic □ deck(s) □ other □ Provide a sand relocation plan with location and dimensions of disposal area. Indicate □ on-site OR □ off-site. If on-site show location and how the disposal site will be accessed on the plans. Indicate the depth of the disposed sand on the plans. □ Provide the permit or letter from the County Enforcing Agent stating the project complies with Part 91 (Soil Erosion and Sedimentation Control).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The proposed project will be serviced by □ public sewer □ private septic system. □ On the plans, show the location and dimensions of the private septic system. If a private septic system is proposed, has a permit been issued by the health department? □ No □ Yes □ If Yes, provide a copy of the permit for all Critical Dune Area projects.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Provide a copy of the vegetation assurance letter. □ Provide a re-vegetation plan, including #_________ of trees to be removed and #_________ of trees to be replanted.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Utility Installation</td>
<td>Proposed New Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Installation Method</td>
<td>Foundation type</td>
<td>□ basement</td>
<td></td>
</tr>
<tr>
<td>□ directional bore □ plowing in</td>
<td>□ concrete slab □ pilings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ open trench □ other</td>
<td>□ crawl space □ other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Show utility locations and dimensions on the site plan.</td>
<td>Area of existing structure (sq ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Show construction access route on the site plan.</td>
<td>Area of proposed structure (sq ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Show existing and proposed grades on the cross-section.</td>
<td>Area of existing deck (sq ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Show locations of vegetation to be removed on the site plan.</td>
<td>Area of proposed deck (sq ft)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Provide the following information for special use projects:
(a) Lot size, width, density, and front and side setbacks.
(b) Storm water drainage that provides for disposal of drainage water without serious erosion.
(c) Methods for controlling erosion from wind and water.
(d) Re-stabilization plan.
(e) Environmental Impact Statement.
<table>
<thead>
<tr>
<th>Parcell dimensions (ft) width depth</th>
<th>Date project staked (M/D/Y)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Structure Information</strong></td>
<td><strong>Proposed New Construction</strong></td>
</tr>
<tr>
<td>Foundation type □ basement</td>
<td>Foundation type □ basement</td>
</tr>
<tr>
<td>□ concrete slab □ pilings</td>
<td>□ concrete slab □ pilings</td>
</tr>
<tr>
<td>□ crawl space □ other</td>
<td>□ crawl space □ other</td>
</tr>
<tr>
<td>Material above foundation wall</td>
<td>Material above foundation wall</td>
</tr>
<tr>
<td>□ block □ log □ stud frame □ other</td>
<td>□ block □ log □ stud frame □ other</td>
</tr>
<tr>
<td>Siding material</td>
<td>Siding material</td>
</tr>
<tr>
<td>□ block □ vinyl □ wood □ other</td>
<td>□ block □ vinyl □ wood □ other</td>
</tr>
<tr>
<td>Area of the foundation, excluding attached garage (sq ft)</td>
<td>Area of the foundation, excluding attached garage (sq ft)</td>
</tr>
<tr>
<td>Area of the garage foundation (sq ft)</td>
<td>Area of the garage foundation (sq ft)</td>
</tr>
<tr>
<td>If renovating or restoring an existing structure, indicate the renovation or restoration cost $</td>
<td></td>
</tr>
<tr>
<td>Current structure replacement value $</td>
<td></td>
</tr>
<tr>
<td>Tax assessed value of existing structure excluding land value $</td>
<td>Assessment Year</td>
</tr>
<tr>
<td>Provide the number of individual living units in the proposed building</td>
<td></td>
</tr>
</tbody>
</table>


EXHIBIT 1

Mass Grading Plan
EXHIBIT 2
Adjacent Property Owners
### Immediately Adjacent Properties

<table>
<thead>
<tr>
<th>Property Owner’s Name</th>
<th>Mailing Address</th>
<th>City</th>
<th>State; Zip Code</th>
<th>Parcel ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashley Orion Commerce Center LLC</td>
<td>2575 S Haggerty Road, #500</td>
<td>Canton</td>
<td>MI; 48188</td>
<td>09-35-100-020</td>
</tr>
<tr>
<td>Waste Management of Michigan</td>
<td>PO Box 1450</td>
<td>Chicago</td>
<td>IL; 60690</td>
<td>09-35-100-021</td>
</tr>
<tr>
<td>Kemp &amp; Peyerl LLC</td>
<td>275 W Girard Avenue</td>
<td>Madison Heights</td>
<td>MI; 48071</td>
<td>09-35-100-009</td>
</tr>
<tr>
<td>Upland Investments LLC</td>
<td>4140 S Lapeer Road</td>
<td>Lake Orion</td>
<td>MI; 48359</td>
<td>09-35-100-008</td>
</tr>
<tr>
<td>Lyntal International Inc</td>
<td>4150 S Lapeer Road</td>
<td>Lake Orion</td>
<td>MI; 48359</td>
<td>09-35-100-017</td>
</tr>
</tbody>
</table>

### Properties Across Silverbell Road to North

<table>
<thead>
<tr>
<th>Property Owner’s Name</th>
<th>Mailing Address</th>
<th>City</th>
<th>State; Zip Code</th>
<th>Parcel ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milosch Leasing &amp; Rental Inc</td>
<td>3800 S Lapeer Road</td>
<td>Lake Orion</td>
<td>MI; 48359</td>
<td>09-26-300-011</td>
</tr>
</tbody>
</table>

### Properties Across Lapeer Road to East

<table>
<thead>
<tr>
<th>Property Owner’s Name</th>
<th>Mailing Address</th>
<th>City</th>
<th>State; Zip Code</th>
<th>Parcel ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>T &amp; C Federal Credit Union</td>
<td>2100 Executive Hills Dr, #A</td>
<td>Auburn Hills</td>
<td>MI; 48326</td>
<td>09-26-200-020</td>
</tr>
<tr>
<td>Valdo Rocky</td>
<td>2330 Klingensmith Road</td>
<td>Bloomfield Hills</td>
<td>MI; 48302</td>
<td>09-35-200-002 &amp; 09-35-200-003</td>
</tr>
<tr>
<td>AVB Properties</td>
<td>2700 W Gunn Road</td>
<td>Rochester</td>
<td>MI; 48306</td>
<td>09-35-200-032</td>
</tr>
</tbody>
</table>
EXHIBIT 3

Wetland Report and Delineation
August 11, 2020

Ms. Sarah D'Agostini  
D'Agostini Companies  
38700 Van Dyke  
Sterling Heights, MI 48312

Re: Wetland Evaluation Report  
Lapeer Road & Silverbell Road SE, Orion Township, Oakland County

Dear Ms. D'Agostini:

Pursuant to your request, we conducted a wetland evaluation on the above referenced site on December 3, 2019. The intent of this report is to provide a description of the location and character of the on-site wetland areas and the jurisdiction of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and Orion Township over the identified on-site wetlands.

The methods used to conduct this wetland evaluation were consistent with our understanding of the procedures and general practices used by EGLE and Orion Township. This evaluation included review of in-office information including the on-line EGLE Wetlands Map Viewer, the Natural Resources Conservation Service Web Soil Survey (WSS), and available aerial photography.

The site is approximately 31 acres in size. During our on-site evaluation we identified five wetlands. The boundaries of the wetlands were marked with alpha numeric labeled pink pin flags and pink surveyor's ribbon. We located the wetland flags using a hand-held Trimble GPS. The five delineated wetlands are described below and are shown on the enclosed Wetland Delineation.

Wetland A
Wetland A is an emergent and scrub-shrub wetland located in the northeastern portion of the property. It is approximately 0.20 acres in size. Vegetation identified in this area included narrowleaf cattail (Typha angustifolia), common reed (Phragmites australis), and silky dogwood (Cornus amomum). The boundaries of this wetland were identified using flags A1 through A23.

Wetland B
Wetland B is an emergent wetland located in the southeastern portion of the property. It is approximately 2.81 acres in size. Vegetation identified in this area included common reed and narrowleaf cattail. The boundaries of this wetland were identified using flags B1 through B71.

Wetland C
Wetland C is an emergent wetland located in the southern portion of the property. It is very small, being approximately 0.01 acres in size. Vegetation identified in this area included common reed. The boundaries of this wetland were identified using flags C1 through C6.

Wetland D
Wetland D is an emergent wetland located in the southwestern portion of the property that appears to continue off-site, but is still very small when taking into account the off-site portion. Only slightly bigger than Wetland C, the on-site
portion of Wetland D is approximately 0.02 acres in size. Vegetation identified in this area included reed canary grass. The boundaries of this wetland were identified using flags D1 through D5.

**Wetland E**

Wetland E is an emergent wetland located in the northeastern portion of the property. Also very small, it is approximately 0.01 acres in size. Vegetation identified in this area included phragmites. The boundaries of this wetland were identified using flags E1 through E4.

**Upland Areas**

The majority of the site is upland, with those upland areas consisting of a combination of open field, shrub land, and young forest. Commonly observed species within the upland areas of the site included tall fescue (*Schedonorus arundinaceus*) Morrow's honeysuckle (*Lonicera morrowii*), red maple (*Acer rubrum*), and black cherry (*Prunus serotina*).

**EGLE/Orion Township Jurisdiction Discussion**

In order for EGLE to have regulatory authority over a wetland under Part 303, Wetlands Protection, cf 1994 PA 451, as amended, the wetland must be larger than five acres in size or be contiguous to a lake, stream or pond. Contiguous is defined in Part 303 as being located within 500 feet of, or having a direct surface water connection to one of those three features/water bodies.

In order to obtain an official EGLE opinion on the jurisdiction of the on-site wetlands, an on-site Pre-Application Meeting was held with them on March 12, 2020. At that time, as memorialized in the attached EGLE letter of April 8, 2020, EGLE determined that the on-site wetlands were not subject to State of Michigan jurisdiction and that therefore an EGLE permit was not required to impact the on-site wetlands.

As Orion Township administers a local wetlands ordinance that regulates wetlands larger than 2 acres in size, Wetland B is regulated by the Township. In addition, Wetland D may also be regulated by the Township since its total area (which is mostly located off-site to the west of the subject property) appears to be greater than two acres in size. It is our understanding that the remaining on-site wetlands (Wetland A, Wetland C, and Wetland E) are not regulated by any agency due to their small size and isolated position on the landscape.

Thank you for the opportunity to provide this wetland evaluation. If you have any questions, please contact me at your convenience.

Sincerely,

[Signature]

King & MacGregor Environmental, Inc.
James Sallee, Professional Wetland Scientist #2472

Enclosures
Please be advised the information provided by KME, Inc. regarding wetland boundaries is an estimate of the wetland boundary. The ultimate decision on wetland boundary locations and jurisdictions thereof rests with the USFWS and, in some cases, the Federal government. As a result, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary depending on various factors including, but not limited to, experience of the agency, representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage and management activities, or adjacent parcels or other events. Any of these factors can change the natural extent of wetlands on site. This wetland determination, as defined by the boundary flags depicted on this drawing, is valid for one growing season from the date flagged. There is no assurance given herein or otherwise implied that the KME, Inc. wetland boundary will be accepted by any regulatory agency. Reliance on KME, Inc. is entirely at the client's risk. Further, it has been our experience that site conditions are likely to change over the course of one year. Therefore, KME, Inc. strongly recommends that the client have no reliance on our opinions after one growing season.

Be aware the manufacturer of the G.P.S. (Global Positioning System) used by KME, Inc. has advised that the equipment has, at best, sub-meter accuracy. The location of the actual wetland boundaries may therefore vary somewhat if a professional survey of the wetland flags is conducted.

Wetland D
±0.02 ac.

Wetland A
±0.20 ac.

Wetland C
±0.01 ac.

Wetland B
±2.01 ac.

Wetland E
±0.01 ac.

Approximate Property Boundary

Wetland Delineation For: Silverbell and Lapeer SW

EGLLE Site No. - T50

Orion Charter Township, Oakland County, Michigan
April 8, 2020

Sara D'Agostini  
38700 Van Dyke  
Sterling Heights, MI 48312

Dear Sara D'Agostini:

SUBJECT: Preapplication Meeting  
Michigan Department of Environment, Great Lakes, and Energy (EGLE)  
Site Name: 63-Lapeer Rd & Silverbell Rd SW-Orion Township  
Submission Number HNV-XFGJ-VK99K

This letter is a follow-up to our March 12, 2020, preapplication meeting regarding the proposed project in Orion Township, Oakland County. The purpose of a preapplication meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The review was based on discussion of the proposed project and/or draft permit application, the proposed site, and potential modifications to the project discussed during our meeting.

During the review of the project site, EGLE’s Water Resources Division (WRD) made the following findings regarding the need for a permit under Part 301 and Part 303 of the NREPA:

☐ A permit is required for the project as proposed.  
☒ A permit is not required for the project as proposed.  
☐ It cannot be determined whether a permit is required given the information presented at this time.

This determination is based on the enclosed undated project plan prepared by Mode Development Inc. along with other enclosed information provided at the time of this meeting only. Provided that the proposed project and location are not altered, this determination is binding on EGLE for a period of two years from the date of this meeting.

During the meeting, we also discussed a number of issues related to the project, including the following:

- Information on abandoning the conservation easement on the parcel.
Please note that this is not a permit. The WRD cannot indicate during a preapplication meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, the WRD cannot legally tell you whether the project will be permitted in advance of a permit application being submitted and reviewed.

The EGLE submission number assigned to this project is HNV-XFGJ-VK99K. Please keep a record of this submission number and use it when submitting a final application or otherwise corresponding with our office on this project.

We appreciate the opportunity to meet with you or your representative to address these concerns. We have established a submission for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow-up questions before then, please contact me at 586-256-7274; primeaur@michigan.gov; or EGLE, WRD, Warren District Office, 27700 Donald Court, Warren, MI, 48092-2793.

Sincerely,

Robert Primeau
Water Resources Division

cc: Andy Hartz, EGLE-WRD, District Supervisor
    Jeff Bridgland, EGLE
    Orion Township Clerk
    Orion Township MEA
    Oakland County Water Resources Commission
    Jeff King, King & MacGregor Environmental, Inc.
EXHIBIT 4

(A) EGLE Determination Letter;

(B) Termination of Easement (Executed Version w/ EGLE, Recordation Expected August 2020);

(C) Correspondence Authorizing Grading in Easement Area
April 8, 2020

Sara D’Agostini
38700 Van Dyke
Sterling Heights, MI 48312

Dear Sara D’Agostini:

SUBJECT: Preapplication Meeting
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
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Submission Number HNV-XFGJ-VK99K

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63-Lapeer Rd & Silverbell Rd SW-Orion Township
Page 2
April 8, 2020

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Sincerely,

Robert Primeau
Water Resources Division

Enclosure

cc: Andy Hartz, EGLE-WRD, District Supervisor
    Jeff Bridgland, EGLE
    Orion Township Clerk
    Orion Township MEA
    Oakland County Water Resources Commission
    Jeff King, King & MacGregor Environmental, Inc.
TERMINATION OF CONSERVATION EASEMENT

On this day, _____________, 2020, F & D Silverbell Co. LLC, a Michigan limited liability company, whose address is 38700 Van Dyke Suite 200, Sterling Heights, Michigan, 48312 (Grantor), and the Water Resources Division of the Michigan Department of Environment, Great Lakes, and Energy (EGLE, formerly the Michigan Department of Environmental Quality [MDEQ]), whose address is, EGLE, Water Resources Division, Constitution Hall, 3rd Floor South Tower, P.O. Box 30458, Lansing, Michigan 48909-7958 (Grantee), agree to the termination of the Conservation Easement, recorded on April 5, 2001 in Liber 23099, Page 599, Oakland County Register of Deeds (the ‘Conservation Easement’) covering the property shown in the attached recorded Conservation Easement (Attachment A).

Whereas, on April 5, 2001, the former owner of the property Silverbell M-24, LLC, conveyed an easement to the MDEQ (now EGLE) as a condition of EGLE Permit No. 00-63-0131-P.

Whereas, Grantor, the current owner of the property containing the Conservation Easement, has requested termination of the Conservation Easement from the Grantee.

Whereas, Grantor and Grantee agree to terminate the Conservation Easement for the following reasons:

The Grantee has determined that none of the permitted activities associated with MDEQ (EGLE) Permit Number 00-63-0131-P requiring the State of Michigan to hold the easement took place and the conditions requiring the Conservation Easement are no longer valid.

Accordingly, pursuant to paragraph 11 of the Conservation Easement, Grantee releases its interest in the property and the Conservation Easement is terminated.

NOW, THEREFORE, in consideration of the mutual promises the adequacy of which is hereby acknowledged, it is agreed that the Conservation Easement is terminated.
IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

GRANTOR:

F & D SILVERBELL CO, LLC

By: P. Eugene D'Agostini
Its: Manager

STATE OF MICHIGAN }
} ss
COUNTY OF }

IF SIGNING ON BEHALF OF AN ORGANIZATION, THIS MUST BE COMPLETED:
The foregoing instrument was acknowledged before me this ____ day of ______________, 2020, by P. Eugene D'Agostini, the manager, of F & D Silverbell Co, LLC (Organization name) a Michigan limited liability company, on behalf of the organization.

(Signature of Notary Public)

(Typed or Printed name of Notary Public)

Acting in: __________________________ County, Michigan

My Commission Expires: __________________________
GRANTEE:

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, and ENERGY
WATER RESOURCES DIVISION

________________________________________________________________________
Teresa Seidel, Division Director

STATE OF MICHIGAN)
} ss
COUNTY OF INGHAM)

The foregoing instrument was acknowledged before me this ___ day of ________________, 2020,
by Teresa Seidel, Division Director, Water Resources Division, State of Michigan, on behalf of the
Michigan Department of Environment, Great Lakes, and Energy.

________________________________________________________________________
(Signature of Notary Public)

________________________________________________________________________
Typed or Printed name of Notary Public

Acting in: Ingham County, Michigan

My Commission is in ______________________ County, Michigan

My Commission Expires: ______________________

Form Drafted By:
The Honorable Dana Nessel,
Attorney General
Department of Attorney General
Environment, Natural Resources, and
Agriculture Division
P.O. Box 30755
Lansing, Michigan 48909

AFTER RECORDING, RETURN TO:

MI Dept. of Environment, Great Lakes, & Energy
Water Resources Division
Constitution Hall, 3rd Floor South
P.O. Box 30458
Lansing, Michigan 48909-7958

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Attachment A

Conservation Easement

Recorded April 5, 2001
Liber 23099, Page 599
CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT, made this ___ day of ___ 2001, by and between Silverbell M-24 LLC, a limited liability company in Michigan, whose address is 3221 Big Beaver Road Suite 106, Troy, Michigan 48084 (hereafter “Grantor”) and the Michigan Department of Environmental Quality (MDEQ), whose address is, P.O. Box 30458, Lansing, Michigan 48909-7958 (hereafter “Grantee”);

WITNESSETH, for and in consideration of the sum of One and No/100ths Dollar ($1.00), the receipt of which is acknowledged, GRANTOR hereby GRANTS AND CONVEYS TO GRantee a Conservation Easement pursuant to Subpart 11 of Part 21, Conservation and Historic Preservation Easement, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.2141 et seq., on the terms and conditions stated below.

1. The premises subject to this Conservation Easement (hereafter “the Easement Premises”) are situated in the township of Orion, Oakland County, Michigan and are legally described as follows:

A map depicting the Easement Premises (Sheet 1 of 2) and the Legal Description (Sheet 2 of 2) are attached as Exhibit A.

2. The purpose of this Easement is to protect the wetland functions and values existing (or established on the property for MDEQ Permit 00-63-0131-P) on the Easement Premises. Grantor shall maintain the Easement Premises in their natural and undeveloped condition.

3. Except as authorized under MDEQ Permit 00-63-0131-P and Paragraph 4, Grantor shall refrain from altering or developing the Easement Premises in any way. This includes, but is not limited to, the alteration of the topography, the placement of fill material, the dredging, removal, or excavation of any soil or minerals, the draining of surface water, the construction or placement of any structure, plowing, tilling, or cultivating, and the alteration or removal of vegetation.

4. With the prior approval of the Grantee, the Grantor may perform activities associated with the construction or maintenance of a mitigation project within the Easement Premises. Grantor shall provide 5 days notice.
of undertaking any mitigation activity even if the mitigation project has been conceptually approved. Any activities undertaken pursuant to this paragraph shall be performed in a manner to minimize the adverse impacts to existing wetland or mitigation areas.

5. This Easement does not grant or convey to Grantee or members of the general public any right of ownership, possession, or use of the Easement Premises.

6. Upon reasonable notice to Grantor, Grantee, and its authorized employees and agents, may enter upon and inspect the Easement Premises to determine whether they are being maintained in compliance with the terms of this Easement.

7. This Easement may be enforced by either an action at law or in equity and shall be enforceable against the owner of the Easement Premises or any other person despite a lack of privity of estate or contract.

8. This Easement shall run with the land in perpetuity unless modified or terminated by written agreement of the parties.

9. Grantor shall indicate the existence of this Easement on all deeds, mortgages, land contracts, plats, and any other legal instrument used to convey an interest in the Easement Premises.

10. Within 90 days after this Easement is executed, Grantor, at its sole expense, shall place signs, fences, or other suitable marking along the boundary of the Easement Premises to clearly demarcate the boundary of the Easement Premises.

11. This Easement shall be binding upon the successors and assigns of the parties.
IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

Signed in the presence of:

Signature: Donna M. Krause  
Type/Print Witness' Name: Donna M. Krause  

Signature: Sherri Frankel  
Type/Print Witness' Name: Sherri Frankel  

STATE OF MICHIGAN

County of Oakland  

IF SIGNING ON BEHALF OF AN ORGANIZATION, THIS MUST BE COMPLETED.

The foregoing instrument was acknowledged before me this ___ day of April, 2001
by ________________ (name(s)) the Managing Member, (title) of
a ____________ (state/country) ____________, USA (organization name)
corporation, partnership, or limited liability company (circle one), on behalf of the organization.

__________________________
Notary Public
Oakland County, Michigan
My Commission Expires: June 9, 2005

IF SIGNING AS AN INDIVIDUAL OR MARRIED PERSON, THIS MUST BE COMPLETED.

The foregoing instrument was acknowledged before me this ___ day of ____________, 20___
by ________________________ (name(s)) ____________________________ (marital status).

__________________________
Notary Public
Oakland County, Michigan
My Commission Expires: ____________________

71
(Grantee)
STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND AND WATER MANAGEMENT DIVISION

Signature: S. Cell O'Keefe-Sifra

Signature: Maurice Balderman

Richard A. Powers, Its Chief

Type/Print Witness' Name

STATE OF MICHIGAN)

COUNTY OF INGHAM)

The foregoing instrument was acknowledged before me this 2nd day of May, 2001, by

Richard A. Powers, State of Michigan, on behalf of the Michigan Department of Environmental Quality.

Maurice Balderman
Notary Public
County of Ingham, Michigan
My Commission Expires: 10/31/03

Drafted by:

Jennifer M. Granholm
Department of Attorney General
Natural Resources Division
300 South Washington
Lansing, MI 48913

After Recording, Return to:

Land and Water Management Division
Michigan Department of Environmental Quality
P.O. Box 30456
Lansing, MI 48909-7958

72
Legal Description

MITIGATED WETLAND EASEMENT

AN EASEMENT FOR WETLANDS BEING PART OF THE N.W. 1/4 OF SECTION 35, T.4N., R.10E., ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A
POINT DISTANT S. 67° 57' 11" W., 158.45 FEET ALONG THE NORTH LINE OF SAID
SECTION 35 AND S. 02° 02' 49" E., 80.00 FEET FROM THE N. 1/4 CORNER OF SAID
SECTION 35; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAPEER ROAD (100
FEET WIDE) THE FOLLOWING THREE (3) COURSES: 1) S. 36° 41' 59" E., 75.10 FEET; 2)
483.10 FEET ALONG AN ARC OF A CURVE TO THE RIGHT (RADIUS 8554.37 FEET,
CENTRAL ANGLE 03° 14' 38"), CHORD BEARS S. 02° 01' 44" E., 483.05 FEET AND 3) S.
00° 24' 28" E., 403.40 FEET; THENCE S. 82° 16' 39" W., 270.12 FEET TO THE POINT OF
BEGINNING; THENCE S. 82° 16' 39" W., 77.26 FEET; THENCE N. 34° 34' 18" W., 9.75
FEET; THENCE N. 00° 19' 23" W., 24.75 FEET; THENCE S. 47° 47' 47" W., 31.20 FEET;
THENCE N. 86° 29' 18" W., 111.68 FEET; THENCE N. 86° 29' 27" W., 64.72 FEET;
THENCE S. 84° 56' 29" W., 65.21 FEET; THENCE S. 83° 53' 36" W., 155.01 FEET;
THENCE N. 10° 14' 38" W., 61.79 FEET; THENCE N. 82° 39' 33" E., 252.39 FEET;
THENCE N. 70° 04' 32" E., 41.70 FEET; THENCE N. 28° 49' 57" E., 26.31 FEET; THENCE
N. 00° 57' 13" W., 102.49 FEET; THENCE N. 10° 04' 24" W., 47.90 FEET; THENCE N. 42°
20' 18" W., 63.81 FEET; THENCE N. 20° 34' 32" W., 8.35 FEET; THENCE N. 88° 22' 06" E., 104.03 FEET; THENCE S. 38° 52' 13" E., 42.90 FEET; THENCE S. 84° 30' 50" E.,
42.38 FEET; THENCE N. 89° 51' 30" E., 154.99 FEET; THENCE N. 48° 45' 29" E., 97.03
FEET; THENCE N. 02° 27' 46" W., 217.35 FEET; THENCE N. 88° 31' 21" E., 48.73 FEET;
THENCE N. 25° 47' 53" E., 49.25 FEET; THENCE N. 81° 50' 21" E., 64.63 FEET; THENCE
S. 29° 16' 30" E., 35.84 FEET; THENCE S. 05° 51' 42" W., 23.07 FEET; THENCE N. 88°
54° 28" W., 27.62 FEET; THENCE S. 38° 19' 58" E., 39.75 FEET; THENCE S. 04° 30' 21"
W., 77.08 FEET; THENCE S. 57° 30' 45" W., 23.78 FEET; THENCE S. 02° 55' 14" W.,
28.00 FEET; THENCE S. 51° 38' 40" E., 32.79 FEET; THENCE S. 11° 51' 03" E., 40.53
FEET; THENCE 27° 2' 19" W., 12.80 FEET; THENCE N. 11° 29' 20" W., 39.38 FEET;
THENCE S. 51° 48' 35" W., 21.58 FEET; THENCE S. 05° 47' 47" W., 17.83 FEET; THENCE
S. 39° 39' 15" W., 77.62 FEET; THENCE S. 08° 01' 43" W., 30.72 FEET; THENCE S. 45°
25° 59" E., 24.89 FEET; THENCE S. 75° 01' 46" E., 28.02 FEET; THENCE S. 30° 27' 48"
W., 37.87 FEET; THENCE S. 04° 30' 17" W., 28.08 FEET; THENCE S. 55° 39' 51" W.,
41.36 FEET; THENCE S. 40° 34' 09" W., 41.21 FEET; THENCE S. 30° 06' 45" W., 19.97
FEET; THENCE S. 47° 10' 09" E., 28.04 FEET; THENCE S. 83° 54' 11" W., 24.90 FEET;
THENCE S. 56° 31' 15" W., 270.12 FEET; THENCE S. 85° 48' 19" W., 14.98 FEET; THENCE
S. 84° 44' 37" W., 14.98 FEET; THENCE 26° 06' 18" W., 37.66 FEET TO THE POINT
OF BEGINNING. CONTAINING 171,852.66 SQUARE FEET OR 3.94 ACRES.

NOWAK & FRAUS
Civil Engineers  Land Surveyors
1310 N. Stephenson Highway  Tel. (248) 336-0880
Lapeer, Michigan 48446  Fax (248) 336-0880
SCALE: 1" = 100'
DATE ISSUED: 04/29/01
JOB No. A.P.W. 110400 SHEET 2 of 2

04/29/2001 Thu 10:16 [TL/RM NO 6684] 002

74
Hey Sara, sorry for the delay. I’m in the field in northern Michigan this week with limited access to phone and emails.

As discussed, EGLE is in the process of reviewing the easement termination and is expected to approve it soon. With the state-mandated temporary layoffs and the fact that very few of us are in the office these days due to the pandemic, the formal approval has unfortunately taken longer than expected. You have authorization to begin grading activities within the easement proposed for termination. Once the termination has been finalized and submitted to the county for recording, I will let you know.

Feel free to give me a call if you have any further questions.
Thanks,
Jeff

Sent from my iPhone
August 21, 2020

Ms. Sara D’Agostini
D’Agostini Companies
38700 Van Dyke
Sterling Heights, MI 48312

Re: Wetland Evaluation Report (Revised)
Lapeer Road & Silverbell Road SE, Orion Township, Oakland County

Dear Ms. D’Agostini:

Pursuant to your request, we conducted a wetland evaluation on the above referenced site on December 3, 2019 and August 19, 2020. The intent of this report is to provide a description of the location and character of the on-site wetland areas and the jurisdiction of the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”) under Part 303 (Wetland Protection) of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, as amended) and Orion Township over the identified on-site wetlands.

The methods used to conduct this wetland evaluation were consistent with our understanding of the procedures and general practices used by EGLE and Orion Township. This evaluation, besides site visits, included review of in-office information including the on-line EGLE Wetlands Map Viewer, the Natural Resources Conservation Service Web Soil Survey (WSS), and available aerial photography.

The site is approximately 31 acres in size. During our on-site evaluation we identified five wetlands. The boundaries of the wetlands were marked with alpha numeric labeled pink pin flags and pink surveyor’s ribbon. We located the wetland flags using a hand-held Trimble GPS. The five delineated wetlands are described below and are shown on the enclosed Wetland Delineation graphic.

**Wetland A**
Wetland A is an emergent and scrub-shrub wetland located in the northeastern portion of the property. It is approximately 0.20 acres in size. Vegetation identified in this area included such invasive species as hybrid cattail (Typha X glauca) and common reed (Phragmites australis, aka “phragmites”), and also contained species such as silky dogwood (Cornus amomum). The boundaries of this wetland were identified using flags A1 through A23.

**Wetland B**
Wetland B is the largest of the on-site wetlands. It is an emergent wetland located in the southeastern portion of the property and is approximately 2.81 acres in size. The dominant vegetation in this area included such invasive species such as phragmites and hybrid cattail, as well as reed canary grass (Phalaris arundinacea). The boundaries of this wetland were identified using flags B1 through B71.
Wetland C
Wetland C is an emergent wetland located in the southern portion of the property. It is very small, being approximately 0.01 acres in size and is dominated by phragmites as well. The boundaries of this wetland were identified using flags C1 through C6.

Wetland D
Wetland D is an emergent wetland located in the southwestern portion of the property that appears to continue off-site as part of a Conservation Easement area wetland. With the on-site portion of this wetland being only slightly bigger than Wetland C, (approximately 0.02 acres on-site), it is also dominated by an invasive species, in this case reed canary grass. The boundaries of this wetland were identified using flags D1 through D5.

Wetland E
Wetland E is the smallest of all on-site wetlands, being less than 0.01 acres. It is an emergent wetland located in the northeastern portion of the property. The dominant vegetation identified in this area was also phragmites. The boundaries of this wetland were identified using flags E1 through E4.

Upland Areas
The majority of the site is upland, with those upland areas adjacent to the wetlands consisting of a combination of open field, shrub land, and young forest. Commonly observed species within the upland areas of the site adjacent to the on-site wetlands included tall fescue (Schedonorus arundinaceus) Morrow’s honeysuckle (Lonicera morrowii), red maple (Acer rubrum), and black cherry (Prunus serotina).

EGLE/Orion Township Jurisdiction Discussion
In order for EGLE to have regulatory authority over a wetland under Part 303, Wetlands Protection, of 1994 PA 451, as amended, the wetland must be larger than five acres in size or be contiguous to a lake, stream or pond. Contiguous is defined in Part 303 as being located within 500 feet of, or having a direct surface water connection to, one of those three features/water bodies.

In order to obtain an official EGLE opinion on the jurisdiction of the on-site wetlands, an on-site Pre-Application Meeting was held with them on March 12, 2020. At that time, as memorialized in the attached EGLE letter of April 8, 2010, EGLE determined that no EGLE wetland permit under Part 303 would be required to develop the site. Based upon the EGLE review and our opinion of the on-site wetlands, it would appear that the only on-site wetland that is subject to State of Michigan jurisdiction would be Wetland D, as it is connected to a much larger off-site wetland, with that off-site wetland apparently protected by an EGLE (formerly DEQ) Conservation Easement.

As Orion Township administers a local wetlands ordinance that regulates wetlands larger than 2 acres in size, as well as those wetlands that are smaller than 2 acres that are determined by Orion Township as being “essential” (based upon criteria in Part 303 of 1994 PA 451 as amended) all on-site wetlands are likely to be considered for regulation by the Township.
As it relates to the functions and values of the on-site wetlands, the fact that these wetlands are all dominated by invasive species of one form or another (particularly phragmites) results in extremely limited ecological values. Further limiting the functions and values of the on-site wetlands is either their size or location on the landscape, with the exception of Wetland B and Wetland D, for very different reasons. In the case of Wetland B, that 2.81-acre wetland is the most affected by invasive species, particularly phragmites and hybrid cattails. It is common practice in many communities to attempt to eradicate phragmites for ecological purposes, and EGLE is also very active in encouraging or requiring efforts to control invasive species. For example, in all EGLE-approved mitigation areas, phragmites as well as reed canary grass and hybrid cattails are all required by EGLE to be treated to eliminate them, or at least make an effort to reduce their populations. As far as Wetland D is concerned, being part of the larger conservation easement (a probable mitigation area for another project – possibly the nearby landfill?), preservation/ protection is probably warranted in spite of its also being dominated by invasive species. Being also likely regulated by EGLE, any proposed regulated impacts to Wetland D will receive at least a higher level of regulatory scrutiny.

It is my opinion that Wetland B, while not being EGLE-regulated and being almost completely taken over and dominated by invasive species, does serve a function of naturally storing stormwater that comes into it from adjacent upland. However, given modern techniques to manage stormwater quality and quantity, that particular function can typically and readily be replaced/mitigated by a well-designed stormwater management system. Such a system is likely to be required by the Oakland County Public Works office and/or Orion Township in most any development-related event.

Thank you for the opportunity to provide this wetland evaluation and opinion of wetland functions and values. If you have any questions, please contact me at your convenience.

Sincerely,

Jeffery King

King & MacGregor Environmental, Inc.

Enclosures
Please be advised the information provided by SME, Inc. regarding wetland boundaries is an estimate of the wetland boundary. The ultimate decision on wetland boundary locations and jurisdictions thereof rests with the MDEQ and, in some cases, the Federal Government. As a result, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors including, but not limited to, experience of the agency representatives making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage and management activities on adjacent parcels or other events. Any of these factors can change the boundaries of wetlands on site. This wetland delineation, as defined by the boundary flags depicted on this drawing, is valid for one growing season from the date flagged. There is no assurance given herein or otherwise implied that the KME, Inc. wetland boundary will be accepted by any regulatory agency. Release on KME, Inc.'s part is at the client's risk. Further, it has been our experience that site conditions are likely to change over the course of a season. Therefore, KME, Inc. strongly recommends that the client have no reliance on our opinion after one growing season.

Be aware the manufacturers of the G.P.S. (Global Positioning System) used by KME, Inc. has advised that the equipment has, at best, sub-meter accuracy. The location of the actual wetland boundaries may therefore vary somewhat if a professional survey of the wetland flags is conducted.

Wetland Delineation For:
Silverbell and Lapeer SW
EGLE Site No. - TBD
Orion Charter Township, Oakland County, Michigan

100' 200'
1"=200'
April 8, 2020

Sara D'Agostini
38700 Van Dyke
Sterling Heights, MI 48312

Dear Sara D'Agostini:

SUBJECT: Preapplication Meeting
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Site Name: 63-Lapeer Rd & Silverbell Rd SW-Orion Township
Submission Number HNV-XFGJ-VK99K

This letter is a follow-up to our March 12, 2020, preapplication meeting regarding the proposed project in Orion Township, Oakland County. The purpose of a preapplication meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The review was based on discussion of the proposed project and/or draft permit application, the proposed site, and potential modifications to the project discussed during our meeting.

During the review of the project site, EGLE's Water Resources Division (WRD) made the following findings regarding the need for a permit under Part 301 and Part 303 of the NREPA:

☐ A permit is required for the project as proposed.
☒ A permit is not required for the project as proposed.
☐ It cannot be determined whether a permit is required given the information presented at this time.

This determination is based on the enclosed undated project plan prepared by Mode Development Inc. along with other enclosed information provided at the time of this meeting only. Provided that the proposed project and location are not altered, this determination is binding on EGLE for a period of two years from the date of this meeting.

During the meeting, we also discussed a number of issues related to the project, including the following:

• Information on abandoning the conservation easement on the parcel.
Please note that this is not a permit. The WRD cannot indicate during a preapplication meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, the WRD cannot legally tell you whether the project will be permitted in advance of a permit application being submitted and reviewed.

The EGLE submission number assigned to this project is HNV-XFGJ-VK99K. Please keep a record of this submission number and use it when submitting a final application or otherwise corresponding with our office on this project.

We appreciate the opportunity to meet with you or your representative to address these concerns. We have established a submission for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow-up questions before then, please contact me at 586-256-7274; primeaur@michigan.gov; or EGLE, WRD, Warren District Office, 27700 Donald Court, Warren, MI, 48092-2793.

Sincerely,

Robert Primeau  
Water Resources Division

Enclosure

cc: Andy Hartz, EGLE-WRD, District Supervisor  
Jeff Bridgland, EGLE  
Orion Township Clerk  
Orion Township MEA  
Oakland County Water Resources Commission  
Jeff King, King & MacGregor Environmental, Inc.