

EXHIBIT S

THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION

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DENIRRO DJ LAZAR
RICK A. DECKER

ANDREW R. DRANCHAK (1929-2007)

October 16, 2017

Timothy S. Wilhelm
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

Via U.S. Mail

***Re: The 81 Development Co., LLC v. Peninsula Township;
Case No. 17-32081-CK***

Dear Tim:

In connection with the hearing on the Court-remanded issues regarding The 81 Development Company, LLC's Special Use Permit/Planned Unit Development (SUP#123) Application scheduled for October 25, 2017, please find the Applicant's Proposed Findings of Fact and corresponding Exhibit package.

Please let me know if you have any questions regarding these materials.

Very truly yours,

THE MILLER LAW FIRM, P.C.

/s/ Brian E. Etzel

Brian E. Etzel

Encl.
BEE/sec

cc: Peninsula Township Planner
David Rowe
Kevin O'Grady

ATTORNEYS AT LAW

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October 23, 2017

Timothy S. Wilhelm
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

Via Email

Re: The 81 Development

Dear Tim,

Following our discussions last week, I have updated the 81's proposed findings of fact (enclosed) to include two standards (8.3.3(7) and 7.2.5) that you brought to my attention.

Also, I am enclosing seven additional exhibits for the 81's hearing submission, including the following:

49. Fire Chief James Dundas' Review dated 10/20/17 regarding 81 Development SUP/PUD Emergency Access Road"
50. Letter from James Harless (SME) to Timothy Wilhelm dated 10/13/17 regarding "Environmental Assessment Findings – The 81 on East Bay"
51. Letter from James Harless (SME) to Timothy Wilhelm dated 10/20/17 regarding revised "Environmental Assessment Findings – The 81 on East Bay"
52. Soil Erosion and Sedimentation Control Permit issued for the Vineyard Ridge development dated 8/16/17
53. Letter from Brian Etzel to Timothy Wilhelm dated 10/20/17 regarding discussion of 81 grading plans and SESC permit (enclosing letter and attachments from Doug Mansfield dated 10/20/17)

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THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION
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Timothy S. Wilhelm

October 23, 2017

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54. Letter from Doug Mansfield to Brian Etzel dated 10/20/17 regarding discussion of 81 grading plans and SESC permit
55. Groundwater Discharge Permit issued to The 81 Development Co., LLC, effective 8/1/17 (and expiration of 8/1/20)

I believe the Township already has all of these exhibits in its possession, but want to make sure these are included among the applicant's submissions.

Please let me know if you have any questions regarding the enclosed items or any other matters as we approach Wednesday's hearing.

Very truly yours,

THE MILLER LAW FIRM, P.C.

/s/ Brian E. Etzel

Brian E. Etzel

Encl.

BEE/sec

cc: Rob Manigold (via hand delivery)

Peninsula Township Planner

David Rowe

Kevin O'Grady

Peninsula Township Planning & Zoning Department
13235 Center Road
Traverse City, MI 49686

**SPECIAL USE PERMIT
EXHIBIT LIST**

SUP #123, The 81 on East Bay (Planned Unit Development Condominium Subdivision)

October 25, 2017

1. Peninsula Township Board's Decision and Order Regarding SUP #123 dated 8/11/15
2. Supplemental Information submitted by Mansfield Land Use Consultants dated 8/16/17
3. Email from Grand Traverse County Road Commission dated 6/10/17
4. Plan sets updated to include an Emergency Access Road Revised 7/8/16 and East 81 Road widened to 26' Revised 9/7/16
5. Meeting Notes regarding meeting between Township Planner (Hayward) and Township Fire Chief (Rittenhouse) dated 10/26/16
6. Notes from meeting between Township Engineer (Boals) and Township Planner (Hayward) dated 11/10/16
7. Township Engineer Brian Boals' letters to former Township Planner, Michelle Reardon dated 3/8/16, 3/15/16, 8/15/16, and 9/27/16
8. Ron Taylor Fire Code Compliance Reports of 7/26/16, 8/15/16, 10/11/16 and Taylor's Curriculum Vitae
9. Proposed Grand Traverse County Road Name and related email dated 10/28/2016
10. Otwell Mawby letter to D. Mansfield dated 10/26/16 re: "Slope Stability Reconnaissance, G15-118"
11. Letter from Brian Boals to Township Planner Hayward dated 10/18/16 re: "Review of Revised East Road Design/Open Space Calculations"
12. Budget Report for Peninsula Township Fire Fund – Calculations as of 03/31/2016
13. E-mail from Peninsula Township Fire Chief Randy Rittenhouse dated 11/1/16 discussing Fire Code (Chapter 5) applied to fire apparatus access roads
14. Memo from Township Planner to Township Board dated 11/10/16 re: "Locked Emergency Access Gates"
15. Letter from Brian Boals to Township Planner Hayward dated 11/10/16 re: "Review of Fire Lane Plan"

16. Letters from Township Fire Chief Randy Rittenhouse to former Township Planner Reardon dated 8/9/16 and 8/16/16
17. Soil Erosion and Sedimentation Control Permit with Conditions; Issued May 9, 2016; Amended on August 22, 2016 re Fire Road; Amended on September 19, 2016 re widening E 81; renewed on May 9, 2017 (Expires on May 9, 2018)
18. Wetland Delineation Report by GEI Consultants of Michigan, PC dated 6/15/15
19. Daniel Thorell email dated 2/18/15 to former Planner Reardon
20. Daniel Thorell e-mail dated 3/10/15 to former Planner Reardon
21. Letter from Robyn Schmidt, MDEQ Water Resources Division, dated 3/5/15
22. Letter from Charles M. Simon, US Department of Army Corps of Engineers, dated 7/21/15
23. Ron Taylor Report dated 11/16/16 re: "Relocating Fire Access Apparatus Access Road"
24. Letter from Doug Mansfield dated 11/16/16 re: "Response to the November 17, 2016 Findings of Fact for SUP #123"
25. Otwell Mawby letter dated 1/16/17 regarding discussion of 8.1.3(3)(k)
26. Brian Boals letter dated 1/31/17 to Township Planner Brian VanDenBrand regarding Review of Site Environmental Concerns
27. Phase II Environmental Assessment for Habrecht Property (Vineyard Ridge) dated 12/23/09 prepared by Otwell Mawby, PC
28. Baseline Environmental Assessment and Section 7A Compliance Analysis for Habrecht Property (Vineyard Ridge) dated 2/15/10 prepared by Otwell Mawby, PC
29. Environmental Summary of Habrecht Property (Vineyard Ridge) prepared by Otwell Mawby, PC submitted to the Township Board on April 25, 2017
30. Decision and Order dated 4/25/17 regarding Special Use Permit #127 (Vineyard Ridge)
31. Decision and Order on Appeal dated 1/15/16 issued by the Hon. Philip E. Rodgers, Jr.
32. Email from James Young to James Harless (SME) dated 3/2/17 regarding Township's historical interpretation of 8.1.3(3)(k)
33. Soil Assessment Report, Review and Professional Opinion of Andrew Smits, PE dated 9/5/17
34. Soil Assessment prepared by Otwell Mawby, PC (Roger Mawby) dated 8/29/17
35. Transcript from hearing before Judge Thomas Power, 13th Circuit Court Judge, on 6/21/17
36. Memo from D. Mansfield dated 6/19/17 regarding Project comparison of Vineyard Ridge PUD/SUP to The 81 on East Bay PUD/SUP

37. Peninsula Township Board Meeting Minutes dated 4/25/17
38. Peninsula Township Board Meeting Minutes from 8/11/15
39. Peninsula Township Board Meeting Minutes from 11/17/16
40. Phase I Environmental Site Assessment of the 81 property dated 4/24/14
41. Letter from Grand Traverse County Soil Erosion – Sedimentation Control (SESC) Department dated 1/23/15 requesting grading and stabilization plan for steep slopes
42. MDEQ's file for OM RE, LLC's Petition for Baseline Environmental Assessment Determination
43. Letter from James Harless (SME) to Brian Boals dated 3/15/17
44. Letter from James Harless (SME) to Timothy Wilhelm dated 8/8/17
45. Letter from Brian Etzel to Timothy Wilhelm dated 10/12/17
46. Email from Brian Boals to James Harless dated 2/10/17, including Jim Young's suggested language for "expanded review" regarding adverse impact
47. Email from Brian VanDenBrand to Dusty Christensen and D. Mansfield dated 4/25/17 regarding "Previous EAs for Vineyard Ridge"
48. Email from Jim Young to David Rowe dated 2/14/17 regarding "81 & environmental testing ..."
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