

Village of
Lake Isabella
INCORPORATED 1998

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August 8, 2007

Central Michigan District Health Department
Michelle Patton
2012 Preston Street
Mount Pleasant, MI 48858

Dear Michelle,

This memo is to follow-up on two items regarding unbuildable lots within the Village of Lake Isabella. At our joint meeting this past winter, the Village presented a map and list of buildable lots to the Central Michigan District Health Department regarding Lake Isabella Golf Estates II. By our research we feel that there may be as many as thirty-one lots that remain buildable in the plat. The Village followed-up on this matter in a memo dated March 16, 2007. To date we have not received a reply that either confirms our research, or asserts a different number of lots that remain buildable in Lake Isabella Golf Estates II.

The second matter I would like to bring to your attention was brought up during a recent public hearing regarding our street paving special assessment project. Mr. Robert Simpson stated that when he applied for a septic permit in Lake Isabella South, and subsequently denied due to the building and use restrictions, that *"(he has) been advised by Central Michigan District Health Department that the Village of Lake Isabella is the responsible party controlling use restrictions."* I had a chance to personally discuss this statement with Mr. Simpson following the meeting and he again confirmed the accuracy of statement.

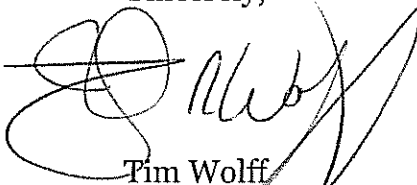
As you are aware the Village of Lake Isabella is not currently, nor has the Village ever been party to the building and use restrictions that restrict the buildability in five plats at Lake Isabella. It is the firm position of the Village of Lake Isabella that the building and use restrictions are arbitrary and capricious, the enforcement of which has resulted in a clear regulatory taking by the State of Michigan. The building and use restrictions for Lake Isabella South, where Mr. Simpson lives, were put in place in 1975 by the Michigan Department of Public Health as a condition of approval for the Lake Isabella South plat. This was nearly twenty-five years before the Village of Lake Isabella incorporated as a home rule village. Those restrictions are currently administered and enforced by CMDHD per the authority of the Michigan Department of Environmental Quality.

The Village of Lake Isabella has taken numerous steps in recent years to have the restrictions amended and have been stifled on each attempt. In June of 2005 the Village of Lake Isabella was presented with a written opinion from the Michigan Attorney General that only the CMDHD, Michigan Department of Environmental Quality, and the Isabella County Board of Public Works have the sole authority to waive or amend the restrictions.

Additionally, the Village of Lake Isabella has attempted in good faith to negotiate with both the CMDHD and DEQ to have the restrictions amended. We did so only after obtaining the professional opinion of Rowe Incorporated that there are numerous areas of the Village where there are building and use restrictions pertaining to on-site septic systems that have conditions suitable for on-site septic systems and development. We have requested on numerous occasions to be provided with a clear list outlining the specific steps and geotechnical conditions that are needed to amend the restrictions. The Village of Lake Isabella was supplied with a vague outline of requirements by the DEQ in a memo dated June 23, 2005. In later meetings additional conditions were stipulated by the DEQ such as a plat review fee and additional soil tests. However, the Village of Lake Isabella has never been presented with a document that clearly outlines all of the steps and conditions that are required to amend the restrictions.

It has become clear to the Village, and confirmed by the opinion of the Attorney General, that the Village of Lake Isabella has no authority over the building and use restrictions; as such we are reevaluating all of our options on this matter. In the mean time, as the Village of Lake Isabella is not party to the restrictions, we strongly encourage the CMDHD, DEQ, and the Isabella County Board of Public Works to seriously begin work on amending their restrictions pertaining to on-site septic systems in five plats at Lake Isabella.

Sincerely,



Tim Wolff
Village Manager

CC: Mr. Robert Simpson
Senator Alan Cropsey
Village President George Dunn