

# NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, AUGUST 24, 2021** in the Leelanau County Government Center – 1<sup>st</sup> floor.

*(Please silence any unnecessary cellular/electronic devices)*

## **DRAFT AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSIDERATION OF AGENDA**

**CONFLICT OF INTEREST** *(refer to Section 3.7 of the Bylaws)*

**PUBLIC COMMENT**

**STAFF COMMENTS**

**CONSIDERATION OF JULY 27, 2021 MEETING MINUTES** *pgs 2-8*

## **NEW BUSINESS**

- A. PC10-2021-03 Cleveland Township, Text Amendment – Watershed Protection *pgs 9-17*
- B. PC11-2021-05 Empire Township, Text Amendment – Glen Lake-Crystal River Watershed Overlay District *pgs 18-58*
- C. Capital Improvement Program (CIP) – DRAFT (sent separately)
- D. Update – September Training Session

## **REPORTS**

- 1. Education Committee *(no meeting)*
- 2. Housing Action Committee *(no meeting)*
- 3. Parks & Recreation Committee *(Noonan)*
- 4. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings

## **COMMUNICATIONS**

**PUBLIC COMMENTS**

**STAFF COMMENTS**

**COMMISSIONER & CHAIRPERSON COMMENTS**

**ADJOURN**

### **LCPC Members**

Steve Yoder, Chairman  
Casey Noonan, Vice-Chairman  
Melvin Black, Chair Pro-Tem  
Dan Hubbell  
Melinda Lautner  
Gail Carlson  
Robert Miller  
Tom Nixon  
Kim Todd  
Nathan Griswold  
Amy Trumbull

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, JULY 27, 2021, AT THE LEELANAU COUNTY GOVERNMENT CENTER.**

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

**ALL TO ORDER**

Meeting was called to order at 5:30 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI.

**ROLL CALL**

**Members Present:** R. Miller, K. Todd, S. Yoder, G. Carlson, A. Trumbull, C. Noonan, T. Nixon, D. Hubbell, M. Black, N. Griswold

**Members Absent:** M. Lautner

**Staff Present:** G. Myer, Senior Planner, J. Romo, Secretary.

**Public Present:** Rod Jones, Sue Jones, Jack Kelly

**CONSIDERATION OF AGENDA**

*Motion by Noonan, seconded by Trumbull, to accept the agenda as presented. Motion carried 10-0.*

**CONFLICT OF INTEREST** – None.

**PUBLIC COMMENT**

Rod Jones, a resident of Elmwood Township, read from a prepared statement which was emailed prior to the meeting, regarding short term rentals (STR's). Jones stated he strongly opposed short term rentals in their residential neighborhoods, however, does not support removing STRs as a use from zoning districts. He supports the Elmwood Township Planning Commission's denial of the Zoning Amendment that would remove STRs as a use.

(A copy of the full comments submitted are on file in the Planning & Community Development Office)

Sue Jones, a resident of Elmwood Township, read from a prepared statement which was emailed prior to the meeting, regarding STR's. Jones said she is opposed to short term rentals in Elmwood Township's residential neighborhoods because they are a commercial use of property and Elmwood Township's Zoning Board of Appeals determined they are not an allowed use. The best approach the Board could take at this time would be to update the Master Plan and create a waterfront overlay. She supports the Elmwood Township Planning Commission's denial of the Zoning Amendment that would remove short term rentals as a use, thus making those properties non-conforming.

(A copy of the full comments submitted are on file in the Planning & Community Development Office)

Jack Kelly, an Elmwood Township resident, read from a prepared statement that was submitted just prior to the start of the meeting. Kelly said that tonight's public meeting was the sixty-eighth time that Save Our Neighborhoods in Elmwood (SONIE) had attended and provided verbal and written

testimony on the STR's matter during the past two and a half years. Kelly continued, saying that on March 20, 2019, the Elmwood Township Zoning Board of Appeals (ZBA) declared that non-owner occupied STR's were illegal and this determination still stands today. Kelly said the township planning commission also determined that such STR's had no place in their residential neighborhoods. When this matter arrived at the township board level in January of 2021, the board did not spend one single second examining the work and recommendations of the planning commission, or considering whether or not such STR's were supported by their zoning ordinance or Master Plan. Kelly said they instead decided to allow non-owner occupied STR's in all zoning districts, and then directed their planning commission to process a new amendment that would thereafter allow them in those very same zoning districts. Effectively seeking to change a currently non-conforming use into a legal non-conforming use. Kelly continued, saying that the township Planning Commission, as opposed to what is in the Staff Report, is not the applicant tonight; instead, this amendment was proposed by the Township Board. On June 3, 2021 the Planning Commission unanimously recommended denial of the very amendment the township board directed the Planning Commission to process. Kelly concluded by saying that in the end, none of this will matter because the township board, as a legislative body, has the ultimate authority to do whatever it wants to do, assuming it can find a way to allow existing STR's to continue operating while at the same time closing the door on all new one. (A copy of the full comments submitted are on file in the Planning & Community Development Office.)

## **STAFF COMMENTS**

Myer noted that tonight's meeting was not being streamed on YouTube. This is something the members need to decide going forward if they wish to continue. Todd said she would like to continue, because there are some people who are still uncomfortable. It's nice access to those who are more vulnerable. Myer clarified that members would still need to be present at the meetings. Hubbell questioned how many people view the meetings. Griswold said if there is no major cost involved, there should be no problem to continue. If it is saved it would be good for record so members can reference at a later time.

Hubbell expressed concern, because it is hard to hear and follow when the public calls in during public comment. Yoder clarified that the public would still need to come in for public comment and that the recording is just a way to view the meeting online. Members were in agreement to continue streaming future meetings on YouTube.

## **CONSIDERATION OF JUNE 22, 2021 MEETING MINUTES**

Todd requested changes be made to her comments on page 5. She would like her comments to read as follows:

“Even the concept that dwellings or properties that were not businesses when the Master Plan was created, would segue into businesses because of the desire to have businesses focused more in one place.” “Thme raised a conflict that was not properly dealt with, which impacts the validity of the vote on this amendment, and our looking at this amendment.”

***Motion by Noonan, seconded by Todd, to approve the minutes as amended. Motion carried 10-0.***

**NEW BUSINESS**

**PC08-2021-04 Elmwood Township – Text Amendment RE: Short Term Rentals.**

Yoder read an email received just prior to the start of the meeting from Jeff Shaw, the Elmwood Township Supervisor, which stated, in summary “based on the current direction the Board appears to be taking, the information in front of the Leelanau County Commissioners this evening would no longer apply.”

(A copy of the full comments submitted are on file in the Planning & Community Development Office.)

Yoder continued, saying that he would not ask staff to review the staff report, however, he would ask for member comments.

Nixon referenced Kelly’s statement that the applicant was actually the township board and questioned if applicants must be exclusively from planning commission. He is concerned with establishing a precedent by reviewing this, if in fact, it is from the township board. Yoder said it was his understanding that staff reported on what the township planning commission reviewed. Although there were minutes included from the township board, the request they are reviewing is from the Elmwood Township Planning Commission.

Todd questioned Shaw’s email, asking if they had basically withdrawn all of the plans they were asked to review. Yoder said that was his understanding, although it isn’t very clear, it seems that is what the email is implying. Yoder said Todd was welcome to still offer her comments on the proposed amendment. Todd stated she saw Elmwood Township going in two different directions. First saying that STR’s, defined in which the owners are not resident, were not appropriate in residential zonings. Then saying, it’s okay because of some past things and we are going to live with those past things in whatever zoning area, ad infinitum, if it runs with the land. She suggests they get a plan and a rationale, and put it in the four corners of their zoning document for enforcement, residents, and for people like them to go forth with.

Discussion ensued on current house bill regarding regulation of short-term rentals.

Griswold questioned who and how would the township police STR’s if they are allowed. Also, how is it fair to those in existence that have been respectful to the neighbors if you take that right away from them. Miller said legislature is going to decide if the townships can do anything, and we don’t deal with policing. Yoder stated that what the legislature does it is out of the township’s control; that is not what we are reviewing tonight.

Kelly, a member of the public, stated that staff was well aware that under the Michigan Zoning & Enabling Act, anybody can propose a zoning ordinance amendment. In this case, it was the township board that directed the township planning commission. The planning commission processed it, and it must then go to the county planning commission for review. The township supervisor cannot subvert that process by sending an email.

***Motion by Noonan, seconded by Miller, to forward staff report, minutes and all comments to Elmwood Township Planning Commission. Motion carried 10-0.***

**PC09-2021-04 Elmwood Township -Text Amendment RE: Wetlands.**

Myer stated this request, which was received on July 12, was to review and comment on a proposed amendment to the Elmwood Township Zoning Ordinance, ZO-2017-04-12, Setback and Special Use Standards. The township held a public hearing on May 26, 2021, and following the public hearing, the township planning commission passed a motion to forward to the County for review. Myer continued, saying that Elmwood Township has proposed changes to Article 5 – Use Restrictions, Article 2 – Definitions, Article 6 – Site Development, Article 9 – Special Land Uses, and Article 13 – Severability and Effective Date.

Article 5 – Use Restrictions, Section 5.6 Table of Dimensional Requirements will be amended by adding a Wetlands Column with a 30ft setback in all districts.

**Article 2 – Definitions**

The proposed Water’s Edge definition shall be amended to read:

**Water’s Edge, also Waterfront.** The ordinary high water mark or where an ordinary high water mark has not been established, the line between the upland and bottomland which persists through successive changes in water levels, below which the presence of action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. For a stream, river or creek, the top of the bank of the channel. In the case of the presence of bluff, the shoreline setback shall be measured from the edge of the bluff.

**Article 6 – Site Development Requirements, shall be amendment to add Section 6.1.2 B. 6:**

**Section 6.1.2**

- B. 6. Every parking lot or parking area shall be so constructed that no surface water shall shed into or towards such body of water unless such surface water is first treated or filtered to remove any silt, grease or oil, salt or other matter which would deteriorate the water quality of said body of water. Snow removal from parking lot or parking area shall not be stored within the water edge setback unless contained to the parking area.

**Article 9 – Special Land Uses, Section 9.3 B shall be removed in its entirety and Section 9.3 #9 shall be amended to read as follows:**

9. The following specific requirements shall be met to the extent applicable to the proposed special land use:

- a. Ingress and egress for the special land use shall be controlled to ensure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads and highways, drives, and nearby uses including, but not limited to:
  - i. Minimization of the number of ingress and egress points through elimination, minimization, and consolidation of drives and curb cuts;

- ii. Proximity and relation of driveway to intersections;
  - iii. Minimization of pedestrian and vehicular traffic conflicts;
  - iv. Adequacy of sight distances between road and driveway intersections as specified in Section 6.2, Access Management.
  - v. Location and accessibility of off-street parking, loading, and unloading for automotive vehicles, including buses and trucks;
  - vi. Location and potential use of ingress and egress drives to access special land use parcels for the purpose of possibly reducing the number of access points necessary to serve the parcels.
  - vii. Adequate maneuverability and circulation for emergency vehicles.
- b. Screening shall be provided along all sides and rear property lines by a buffer area, and along the front property line by a greenbelt in accordance with Section 6.4, unless it can be demonstrated that the proposed special land use can be adequately controlled through some other means, such as restrictions on the hours of operation, or reducing the impact by the type and level of activity to be conducted on the site.

**Article 13 – Severability and Effective Date will be amended to read as follows:**

Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Effective Date.

This Ordinance shall become effective eight (8) days following publication.

Todd said she commends the township for the protection of wetlands. Nixon said he was impressed with the definitions of water’s edge and waterfront. Griswold said it is great that they are doing this, however, the vegetation part is vague. Does it include what type of vegetation or how they are determining what vegetation defines a wetland. The Michigan Department of Environment, Great Lakes and Energy (EGLE) has a very detailed definitions of how to determine a wetland, and he thinks it would be good to reference that. Black stated that you have to be careful when defining wetlands. It could cost the counties a lot of money. An area down by Saugatuck determined certain lands were not buildable and the owners then forced the county to buy the land. Griswold said if someone buys a property that is a wetland, you need to do your due diligence and understand what you are buying

***Motion by Nixon, seconded by Hubbell, to forward staff report, minutes and all comments to Elmwood Township Planning Commission. Motion carried 10-0.***

**Capital Improvement Program (CIP) – Draft**

Nixon complemented staff on the thoroughness and clarity of the document. The CIP represents the interest of the Planning Commission and the County Board should be happy to receive it. Members were all in agreement with Nixon’s comments.

*Motion by Noonan, seconded by Nixon, to approve the CIP as presented. Motion carried 10-0.*

## **REPORTS**

### Education Committee

(No meeting)

### Housing Action Committee

(No meeting)

### Parks & Recreation Committee

Noonan stated the trail clean-up for the disc golf course and all walking trails at Myles Kimmerly Park was completed. They did receive an email, from a fellow bidder on the project, stating that the work was not done properly or to specifications and that he knew the work could not be done for that amount of money. Noonan said the committee is very satisfied with the work that was done. He invited everyone to the Old Settlers Picnic next weekend.

### **Reports from LCPC members of attendance at township/village meetings, or other meetings/trainings.**

Yoder said the playground in Cedar has been open for a few weeks now and it turned out beautiful and is packed with kids. The playground was a community project that was estimated to be \$70,000 but with donations and volunteer work was done for \$30,000.

## **COMMUNICATIONS**

Planning & Zoning News were available.

## **PUBLIC COMMENT**

Kelly complimented staff on an excellent staff report on the STR matter. Kelly continued, saying that as the former Elmwood Township Supervisor, he is in an unenviable position of opposing his own township board in terms of what they want to do with STR's. VRBO, and Airbnb has changed the potential audience remarkably. Now it's worldwide, whereas before it was just "mom and pop", friends, or family members. It has become very profitable and he understands why people would want to do this, but when it comes to intruding into residential neighborhoods, that is putting in a commercial use that is not otherwise allowed anywhere in residential neighborhoods. Kelly said any zoning ordinance and/or amendment must be based on a plan. He concluded by mentioning what is going on in the legislature regarding STR's. The Michigan Municipal League, the Michigan Township Association, the Michigan Association of Planning, and every township that he has read about, is steadfastly opposed to what the legislator is trying to do with regard to STR's.

**STAFF COMMENTS** - None

## **COMMISSIONER & CHAIRPERSON COMMENTS**

Carlson stated that they are awaiting dates for upcoming fall training.

Nixon said he hopes Kelly is correct, that the legislator does not invade, what he thinks is the right of local governmental agencies to determine their own way to regulate STR's. The townships have spent considerable time trying to carve out language that is appropriate for them. Nixon continued, saying it is outrageous, and insulting, for the state to say they can and should determine what happens in each community. It's a smack in the face and has no place in our communities. Our citizens spend ungodly amounts of time trying to solve our community dilemmas. How can the state trade that kind of distant thinking for the value of the individual citizens in their own community?

Noonan said they are seeing it in Kasson Township, with the gravel bill, which is making its way through the legislative branches. This would have an ungodly effect on local communities. To think the state has that mentality is crazy.

Todd stated she agrees and it is a one size fits none solution. She is impressed and pleased that members from the public came to speak and have done it in a respectful way.

Miller said he agrees that local government should be able to govern without the state getting in the way.

Hubbell commented that it's the law of unattended consequences. Whenever you pass legislation, the unintended consequences are oftentimes more profound and challenging than the intended consequences.

Yoder thanked staff for their work and members of the public for attending.

**ADJOURN**

***Meeting adjourned at 6:19 p.m.***



# TEXT AMENDMENT REVIEW

## PC10-2021-03 Cleveland Township

### Text Amendment – Watershed Protection

**Reviewing Entity:** Leelanau County Planning Commission  
**Date of Review:** August 24, 2021

#### **Section 1: General Information**

**Date Request Received:** August 4, 2021

**Last Day of Review Period:** September 3, 2021 (30-day review period under the Michigan Zoning Enabling Act)

**Requested Action:** Review and comment on proposed amendments to the Cleveland Township Zoning Ordinance, Section 4.27 – Watershed Protection.

**Applicant:** Cleveland Township Planning Commission  
Dean Manikas, Chairman

#### **Section 2: Proposal**

See Appendix for a copy of the proposed text amendments.

#### **Section 3: Other Planning Input**

**Township Plan:** Chapter 6, “Environment”, of the Cleveland Township Master Plan (2017), lists the following objectives:

Objective 1: Contribute to overall watershed health and the health of the Great Lakes through Township-wide policies.

Objective 2: Adopt water quality standards and regulations specific to waterfront properties.

Objective 5: Protect and enhance the many benefits that wetlands provide to people, infrastructure, and the environment.

Objective 6: Protect the natural environment from the negative impacts of human actions, including air quality, shoreline activities, soil erosion, vibration, and other negative impacts.

Objective 7: Review opportunities to protect the Township’s many scenic views from the negative impacts of development.

**Leelanau General Plan:** The Leelanau General Plan, states “The primary environmental goal of the General Plan is the protection of unique and sensitive lands and the water resources from inappropriate and poorly designed development.” (Chapter 3 – Working With Nature, page 4, Stewardship Ethic)

#### **Township Planning Commission:**

A public hearing was held on August 4, 2021 and following the public hearing, the township planning commission unanimously passed a motion to send the amendments to the county for review.

#### **Section 4: Analysis**

##### Compatibility

**A. Is the proposed text compatible with other language in the zoning ordinance?**

Yes

**B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)?**

See staff comments.

**C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance?**

No

Issues of Greater Than Local Concern

**A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.**

No

Comparison with Local Plans or Ordinances

**A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.**

No

Comparison with County Plans or Ordinances

**A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.**

No

Current Zoning District:

For Current text, Link to the Township Zoning Ordinance at:

<https://www.leelanau.cc/clevelandwpord.asp>

**Section 5: History**

Staff found no history of similar amendments for Cleveland Township. The Township does have a Scenic Viewshed Preservation Overlay District, Section 4.27, which was adopted as Ordinance No 2019-2 on December 10, 2019.

**Section 6: Staff Comments**

The proposed amendment refers to the definition of Water's edge as defined in Section 3.81 and Water as defined in Section 3.80 of the Cleveland Township Zoning Ordinance.

The *current* definition for water's edge (as shown in the zoning ordinance on the township page of the website, dated August 2015) is:

**Section 3.73 Waters Edge** - The vegetation line along the shore closest to the proposed building site.

The zoning ordinance on the township page of the website, dated August 2015, does not have a definition for Water. There isn't a Section 3.80 or 3.81 in the Definitions. Ordinance No. 2018-3, Amendment to the Cleveland Township Zoning Ordinance, amending Article III, Definitions, Section 3.73 Waters Edge and Water was adopted on October 9, 2018. The township will need to correct/renumber the remaining definitions in Section 3 of the zoning ordinance, and reference the appropriate sections in the proposed amendment. Also, do the Definitions in this proposed amendment only refer to the Watershed Protection? If not, they should be added to the Definitions section in the zoning ordinance.

The proposed amendment is for Section 4.27. However, the township adopted Ordinance No 2019-2 for the Scenic Viewshed Preservation Overlay District, as Section 4.27. The Table of Contents for the zoning ordinance only goes up to Section 4.22 for Article V General Provisions. Likewise, the Article 3 Definitions in the Table of Contents only goes up to Section 3.78, yet the proposed amendment refers to Section 3.80 and 3.81 (see previous paragraph). The township should review the zoning ordinance posted online and make sure it contains all adopted amendments and is current, along with a correct Table of Contents.

It appears this ordinance is an 'overlay' as #4 under Purpose of the proposed text states: "All other requirements shall be as required by the underlying zoning district, except that where specific requirements of the Watershed

Protection vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.” If this is an overlay district, it would be good to list it that way.

An overlay district is an additional zoning requirement that is placed on a geographic area but does not change the underlying zoning. Overlay districts have been used to impose development restrictions in specific locations in a watershed in addition to standard zoning requirements.

These districts are created to protect natural resources, promote safety, and protect health. Some examples of overlay districts are:

- Airport Overlay District
- Wind Energy System Overlay District
- Wireless Communication Facilities Overlay District
- Shoreland Wetland Overlay District
- Floodplain Overlay District
- Agricultural Overlay District
- Aquifer Protection Overlay District

Shoreland, floodplain, aquifer, and agricultural overlay districts have a direct benefit on the water quality of a watershed by imposing additional restrictions on the type of land use allowed within their boundaries. Depending on the environmental conditions, more than one overlay district may apply to a single area.

Why is there an Intent section under Hardened Seawalls if they are prohibited? Perhaps the amendment could just state that hardened seawalls are not allowed.

Fertilizer use: who will monitor this? What if a neighbor complains to the township that there is a violation of this section – how will it be followed up by the township to determine if the ordinance has been violated?

Section 2a under Lot Coverage and Natural Vegetative Cover – what happens if someone builds and uses 25% of the entire lot area with a gravel drive, then later decides to pave the drive. After paving the driveway, they will be over the 25% lot coverage according to this section. A new buyer could purchase a property and decide to pave before the township is even aware of it and then the 25% lot coverage is exceeded. There are a lot of parcels that are not along a shoreline that would be subject to this Lot Coverage section. G Lot Coverage and Natural Vegetative Cover, 2 excludes commercial, industrial, agriculture and mining operations. Residential would have to follow a. Lot Coverage, and b. Natural Vegetative Cover, unless they fall under item c. for a planned unit development, site condominium or open space development. Why is this more restrictive for residential properties?

This amendment has regulations which limit the amount of area that can be cleared, trees that can be trimmed, shoreline area that can be cleared and still maintain a buffer, and use of native vegetation. In some instances, site plan review will be required. There are also requirements for permits and compliance with other statutes and ordinances. The township will be responsible for upholding these regulations and following up on any violations.

**Appendix - Transmittal from Cleveland Township**

## Trudy Galla

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**From:** Dean Manikas <manikasdean@gmail.com>  
**Sent:** Wednesday, August 4, 2021 8:53 PM  
**To:** Trudy Galla  
**Subject:** Cleveland Township PC  
**Attachments:** Watershed.docx

Attached please find a proposed ordinance (4.27 Watershed Protection), moved and adopted unanimously on 8/4/21 after a Public Hearing with one community member comment in support of adoption. The genesis of this ordinance is found in our Master Plan: Environment, Objective 2, Action Step 1.

Hopefully we will be able to act on your recommendation at our September 1 meeting.

Thank you for your support and guidance.

Dean Manikas  
Chair Cleveland Township PC

## **Section 4.27 Watershed Protection Draft 2021**

### **Purpose:**

1. The purpose of this ordinance is to protect the quality of water resources within the watersheds in Cleveland Township and to ensure that the structures and uses in the township are compatible with and protect these unique resources. Other specific purposes include:
  - a) The prevention of water pollution and water quality degradation.
  - b) The conservation of natural shoreland areas.
  - c) Conservation of watershed hydrology by managing stormwater to protect the natural hydrologic regime, especially as it relates to the quantity of runoff versus infiltration and groundwater recharge.
  - d) Protection against the negative impacts of nutrient loading, erosion, and stormwater runoff.
2. The protection of our watersheds is deemed a high priority by Cleveland Township residents, as reflected in the Master Plan (adopted 10/2017). Watershed protection is an important public purpose to protect public health and welfare and to conserve natural beauty and the environmental, historical, recreational, cultural, scenic and economic attributes of the watersheds and region.
3. Ordinance Section 4.27 applies to all property bordering Water as defined in Section 3.80.
4. All other requirements shall be as required by the underlying zoning district, except that where specific requirements of the Watershed Protection vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

### **Definitions:**

1. Hardened Seawall: A stationary, permanent seawall composed of non-permeable, hard material.
2. Lot Coverage: The part or percent of a lot occupied by impervious surfaces, including, but not limited to, buildings or structures, paving, drives, patios, and decks.
3. Low Impact Development (LID): Stormwater management practices that promote the infiltration of rainwater and recharge of groundwater (as opposed to the conveyance of stormwater off-site). The purpose of LID is to mimic a site's pre-development hydrology by using design techniques to retain runoff close to its source. LID may include any of the following: bio-retention basins (i.e., rain gardens), infiltration trenches, porous pavement, grassed swales, perforated pipe, dry wells, rain barrels, and cisterns or other technologies or practices that reduce runoff.
4. Natural Vegetative Cover: Natural vegetation, including native species of bushes, shrubs, groundcover, and trees on a lot. Lawn shall not qualify as natural vegetative cover.
5. Shoreline: The water's edge as defined in Section 3.81 of water Section 3.80.
6. Shoreline Vegetative Buffer: The land area inland from the shoreline maintained in natural or planted vegetation, excluding lawns.
7. Impervious surface: Impervious surface means an area that prevents or impedes the infiltration of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.
8. Permeable: Permeable means any surface or material that allows the passage of water through the material and into the underlying soil.

### **Shoreline Vegetative Buffer:**

1. Intent: The purpose of the shoreline vegetative buffer is to protect the lakes and streams of the Township by preserving natural shoreline vegetative cover and habitat, preventing soil erosion, and providing a filter for the removal of pesticides, fertilizers, and other potential water pollutants.

2. A shoreline vegetative buffer bordering water, as defined in Section 3.80 of the Township Zoning Ordinance, shall be maintained. Mowed lawn shall not qualify as natural vegetative buffer under this section. The minimum width/depth of the buffer, as measured from the shoreline inland, shall be 30 feet.
3. Within the shoreline vegetative buffer, no more than an aggregate of 20 percent of the shoreline may be cleared, provided that the clearing does not cause erosion or sedimentation. Vegetation may be removed for a single view corridor, or selective vegetation removed to provide for a filtered view throughout the shoreline, provided the cumulative total of vegetation removed does not exceed 20 percent of the shoreline.
4. Selective trimming of tree branches to allow for filtered views is permitted within the shoreline vegetative buffer.
5. The use of pesticides, herbicides, and fertilizers within the shoreline vegetative buffer is prohibited.
6. Limited clearing of the vegetative buffer is allowed when required for construction of a permitted structure outside the vegetative buffer, provided that the land cleared is returned to a vegetative state of the same quality that existed prior to clearing and is equally effective in retarding runoff, preventing erosion, and preserving natural beauty, and the functionality of the vegetative buffer.
7. These provisions shall not apply to the removal of invasive, exotic, noxious, dead, diseased, or dying vegetation or trees that are in danger of falling, causing damage to dwellings or other structures. Property must be revegetated with native midwest vegetation.
8. The shoreline vegetative buffer shall not be used for any motorized vehicular traffic, parking, or for storage of junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.

**Hardened Seawalls:**

1. Intent: To prevent or limit the construction of seawalls that cause erosion, wave deflection, increased turbidity, and prevent the natural migration of aquatic life into and out of the water.
2. Hardened seawalls are prohibited.

**Fertilizer Use:**

1. Intent: To limit the use of phosphorus-laden lawn fertilizers that accelerate lake eutrophication.
2. Consistent with state law, lawn fertilizer containing phosphorus shall not be applied unless a new lawn is being established or a soil test documents a phosphorus deficiency. Agricultural fertilizer applications are exempt from this requirement.

**Lot Coverage and Natural Vegetative Cover:**

1. Intent: To minimize impervious surfaces and runoff and promote the natural infiltration and recharge of groundwater in the watersheds.
2. For all development bordering Water (defined in Section 3.80 Township Zoning Ordinances), excluding business, commercial resort, and agriculture zoned properties, the following Lot Coverage and Natural Vegetative Cover provisions shall apply:
  - a) Lot Coverage: The maximum lot coverage shall not exceed 25% of the entire lot area. The use of pervious pavement for driveways and patios is encouraged and may be excluded from the calculation of lot coverage.
  - b) Natural Vegetative Cover: Lots shall maintain a minimum of thirty percent (30%) of the entire lot area in natural vegetative cover. To the extent practical, natural vegetative cover shall be maintained along lot lines, natural drainage courses, and wetlands. Shoreline Vegetative Buffer required by this Ordinance may be included as part of the Natural Vegetative Cover.
  - c) In the case of planned unit developments, site condominiums, and open space developments, each individual lot need not meet the requirements of this Section, provided that the total project or an individual phase of a project meets the requirements of this Section.

**Stormwater Management:**

1. Intent: This provision is intended to preserve natural drainage systems to encourage infiltration and to minimize the need to construct enclosed, below-grade storm drain systems; to preserve natural infiltration and the recharge of groundwater and to maintain subsurface flows which replenish lakes, streams, and wetlands and maintain water quality; and to ensure that soil erosion, sediment, and stormwater runoff control systems are incorporated into site planning at an early stage in the planning and design process.
2. As of the effective date of this Ordinance, stormwater shall be managed in accordance with low impact development (LID) design principles that promote the infiltration of rainwater and recharge of groundwater (as opposed to the conveyance of stormwater off-site). Where feasible, steps shall be taken to retain and infiltrate stormwater on-site via LID practices. All lots shall retain stormwater runoff on-site or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies beyond the existing predevelopment runoff impact.
3. Lands within Cleveland Township Watersheds are deemed environmentally sensitive areas having a high potential for environmental degradation as a result of soil erosion and stormwater runoff and are thus subject to the standards contained within Leelanau County's Soil Erosion, Sedimentation and Stormwater Runoff Control Ordinance. On all lands within the watersheds, a land use or building permit shall not be granted until a permit or waiver has been issued by the Leelanau County Enforcing Agency (i.e., the Leelanau Conservation District) in accordance with the Leelanau County Soil Erosion, Sedimentation and Stormwater Runoff Control Ordinance.

#### **General Design and Development Standards:**

1. Intent: The general design and development standards are intended to minimize the impact of development on the land and water resources of the watersheds.
2. Natural vegetation shall be maintained wherever possible.
3. Existing mature trees shall be maintained on site where feasible. The developer must demonstrate how trees will be protected during construction.
4. To the extent feasible, natural drainage areas shall be protected from grading activity. Where possible, existing natural runoff control features such as swales, berms, and shallow depressions shall be retained to help reduce runoff and to encourage infiltration of stormwater.
5. Grading shall be conducted to minimize undue compaction of site soils.
6. Buildings and structures shall be clustered as much as possible to retain open space and surrounding tree cover, and to minimize changes in topography.
7. Clearing of land is prohibited without appropriate approval and mitigation plan from the Township except when land is cleared and cultivated for an agricultural, forestry, or garden use in a district permitting such use.
8. The smallest practical area may be exposed at any one-time during development. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
9. Where feasible, private roads and driveways shall be located along natural contours in order to minimize cutting and filling and the potential for erosion.
10. Appropriate measures shall be taken to prevent adverse impacts to neighboring properties or the quality of area water resources from stormwater drainage.
11. Low Impact Development (LID) shall be used where practical and, to the extent feasible, stormwater shall be retained on-site.

#### **APPROVALS:**

1. Intent: To provide a process that requires all development bordering water (as defined in section 3.80) to be reviewed to ensure full compliance with requirements of this ordinance.
2. For development requiring a site plan in accordance with Cleveland Township Zoning Ordinances, site plan approval shall be obtained prior to development. For parcels subject to the Township's site plan review standards, site plans shall include all information required for site plan review as well as the following:
  - a) Existing natural features such as mature trees, wetlands, steep slopes, soil types, drainage and water features, and a narrative description of how natural areas will be preserved.



- b) The ordinary high-water mark and proposed shoreline vegetative buffer (if applicable).
  - c) The placement of proposed structures; grading limits; areas where vegetation is proposed to be cleared.
  - d) A calculation of the percent Lot Cover and percent Natural Vegetative Cover.
  - e) Existing structures on the subject property.
  - f) Low impact development stormwater management controls proposed to be used on the site.
3. For development not subject to site plan review, a plot plan drawn to scale meeting the requirements of 2 above must be submitted to the Township's zoning administrator for administrative review and approval prior to the issuance of a building permit.
4. Development within the Watershed Overlay District must conform with all applicable County, State, Federal, and Township statutes and ordinances including, but not limited to, the Leelanau County Soil Erosion, Sedimentation and Stormwater Runoff Control Ordinance, Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act and, septic and well approvals from the Benzie-Leelanau District Health Department.

# TEXT AMENDMENT REVIEW

## PC11-2021-05 Empire Township

### Text Amendment – Glen Lake-Crystal River Watershed Overlay District

**Reviewing Entity:** Leelanau County Planning Commission

**Date of Review:** August 24, 2021

#### **Section 1: General Information**

**Date Request Received:** August 17, 2021

**Last Day of Review Period:** September 16, 2021 (30-day review period under the Michigan Zoning Enabling Act)

**Requested Action:** Review and comment on proposed amendment to the township zoning ordinance, Glen Lake-Crystal River Watershed Overlay District.

**Applicant:** Empire Township Planning Commission  
Dick Figura, Chairman

#### **Section 2: Proposal**

See Appendix for a copy of the proposed text amendment.

#### **Section 3: Other Planning Input**

**Township Plan:** The Empire Township Master Land Use Plan, Part One, (2005) states on page 8: “Watershed management is a planning tool that can be used to understand these issues and concerns and help identify which improvements/implementations are needed to protect water quality.”

**Leelanau General Plan:** The Leelanau General Plan (2020) lists several goals and action statements regarding protection of environmentally sensitive areas, including wetlands, dunes, steep slopes, shorelands, and wildlife corridors and the use of overlay zoning districts to accomplish this.

#### **Township Planning Commission:**

A public hearing was held on June 15, 2021 wherein there was public comment in support of the proposed amendment and against. It is noted in the minutes from this meeting, that several letters were also received, with the majority being in favor of the proposed amendment (letters are included in the min. Following the public hearing, the township planning commission passed the following motion at its regular meeting.

*Foged moved to postpone a decision on the overlay district project until July, regarding the areas of concern identified, including steep slope, agriculture, and the view/vegetative buffer issue. Shugart seconded. Roll call: Foged (yes), Krawczak (yes), Deegan (yes), Shugart (yes), Figura (yes), motion carried.*

At the July 20 regular township planning commission meeting, the discussion continued on the three areas of concern regarding the proposed overlay regulations and the following motions were made.

*Deegan moved, Shugart seconded to remove the prohibitions against slaughterhouses and confined feed lots from the proposed ordinance. Krawczak asked if there were other proposed prohibited uses that are already heavily regulated by the state. Cypher and Groves stated that there were. However, the two being proposed for removal would expose the township to liability from the Right to Farm Act, as*

agricultural activities. In addition, slaughterhouses and confined feed lots would continue to require Special Use Permits, so would not be an automatic approval. *All in favor, motion carried.*

Amended language was proposed for Section D.5:

“The use of pesticides, herbicides, and fertilizers within 30 feet of the shoreline is prohibited.”

***Krawczak moved, Foged seconded to approved the proposed changes to Section D.3 and D.5. Ayes: Krawczak, Foged, Shugart, Figura. Nays: Deegan. Motion carried.***

The PC then discussed the steep slope provisions. Groves clarified that these provisions do not affect agricultural uses, and do not prohibit development. Groves proposed adding “The select trimming of branches to afford views is permitted within areas of natural vegetative cover.” The PC extensively discussed whether the 12% slope provision is reasonable, the proposed language addition, and the allowable removal of vegetation. Deegan remains concerned with the restrictiveness of the steep slope provisions.

***Shugart moved, Krawczak seconded to approve the proposed language addition, and retain the 12% steep slope provision. Ayes: Krawczak, Foged, Shugart, Figura. Nays: Deegan. Motion carried.***

The board and staff then discussed the provisions for low impact development and stormwater run-off. There are provisions to require Soil Erosion permits for all development in this district, and this is a reinforcing provision.

***Shugart moved, Krawczak seconded to recommend to the township board that they approve the Glen Lake-Crystal River Watershed Overlay District regulations as amended tonight. Ayes: Krawczak, Foged, Shugart, Figura. Nays: Deegan. Motion carried.***

The Township Board will not be able to act upon the proposed Zoning Ordinance change until after the Leelanau County Planning Commission has had 30 days to review the proposed ordinance change.

***Deegan moved, Foged seconded to send the Glen Lake-Crystal River Watershed Overlay District regulations as amended tonight to the Leelanau County Planning Commission for review. All in favor, motion carried.***

Figura recommended also sending the documentation provided by Groves and Karner regarding the reasons behind the overlay district to both the township board and the LCPC. The PC had consensus to do so.

#### **Section 4: Analysis**

##### **Compatibility**

A. Is the proposed text compatible with other language in the zoning ordinance? Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)? See staff comments.

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance? No

##### **Issues of Greater Than Local Concern**

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.

No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.  
No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.  
No

Current Zoning District:

For Current text, Link to the Township Zoning Ordinance at: <https://www.leelanau.cc/empiretwpor.asp>

**Section 5: History**

See Appendix for information from the township for the reasons for this amendment.

**Section 6: Staff Comments**

Empire Township has proposed to amend their zoning ordinance to add a Glen Lake-Crystal River Watershed Overlay District which states:

A. the purpose of this district is to protect the quality of water resources within the Glen Lake-Crystal River Watershed and to ensure that the structures and uses in this district are compatible with and protect these unique resources. Other specific purposes include:

1. The prevention of water pollution and water quality degradation.
  2. The conservation of natural shoreland areas, forested bluffs, and ridge lines in the watershed.
  3. Conservation of watershed hydrology by managing stormwater to protect the natural hydrologic regime, especially as it relates to the quantity of runoff versus infiltration and groundwater recharge.
  4. Protection against the negative impacts of nutrient loading, erosion, and stormwater runoff.
- B. The protection of the Glen Lake-Crystal River Watershed is deemed an important public purpose in order to protect public health and welfare and to conserve natural beauty and the environmental, historical, recreational, cultural, scenic and economic attributes of the watershed and region.
- C. The Glen Lake-Crystal River Watershed Overlay District is a supplemental district that includes all lands located within the Glen Lake-Crystal River Watershed as depicted on the Glen Lake-Crystal River Watershed Overlay District Map. The Glen Lake-Crystal River Watershed Overlay District applies simultaneously with any of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. In cases where a parcel is partially inside and partially outside of the Watershed Overlay District, only those portions located within the Watershed Overlay District are required to comply with the requirements of this district.
- D. All other requirements shall be as required by the underlying zoning district, except that where specific requirements of the Watershed Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

The proposed overlay district covers properties in Empire, Glen Arbor, Kasson and Cleveland Townships. There is interest in having all 4 townships adopt the language. Cleveland Township has proposed a Watershed Ordinance that will be reviewed by the County Planning Commission on August 24<sup>th</sup>.

An overlay district is an additional zoning requirement that is placed on a geographic area but does not change the underlying zoning. Overlay districts have been used to impose development restrictions in specific locations in a watershed in addition to standard zoning requirements.

These districts are created to protect natural resources, promote safety, and protect health. Some examples of overlay districts are:

- Airport Overlay District
- Wind Energy System Overlay District
- Wireless Communication Facilities Overlay District
- Shoreland Wetland Overlay District
- Floodplain Overlay District
- Agricultural Overlay District
- Aquifer Protection Overlay District

Shoreland, floodplain, aquifer, and agricultural overlay districts have a direct benefit on the water quality of a watershed by imposing additional restrictions on the type of land use allowed within their boundaries. Depending on the environmental conditions, more than one overlay district may apply to a single area.

The proposed amendment is very similar to the one proposed by Cleveland Township. The Empire amendment includes some visuals which are helpful, as well as “Water Quality Rationale” in several parts of the document. The following comments/suggestions were also included in the staff report for the Cleveland Township amendment:

Fertilizer use: who will monitor this? What if a neighbor complains to the township that there is a violation of this section – how will it be followed up by the township to determine if the ordinance has been violated?

Section 2a under Lot Coverage and Natural Vegetative Cover – what happens if someone builds and uses 25% of the entire lot area with a gravel drive, then later decides to pave the drive. After paving the driveway, they will be over the 25% lot coverage according to this section. A new buyer could purchase a property and decide to pave before the township is even aware of it and then the 25% lot coverage is exceeded. Looking at the map of the watershed area, there are a lot of parcels that are not along a shoreline that would be subject to this Lot Coverage section. G. Lot Coverage and Natural Vegetative Cover, 2 excludes commercial, industrial, agriculture and mining operations. Residential would have to follow a. Lot Coverage, and b. Natural Vegetative Cover, unless they fall under item c. for a planned unit development, site condominium or open space development. Why is this more restrictive for residential properties? (Note: the Cleveland Township proposed Watershed Ordinance has a similar section but it is limited to ‘all properties bordering water’.

This amendment has regulations which limit the amount of area that can be cleared, trees that can be trimmed, shoreline area that can be cleared and still maintain a buffer, and use of native vegetation. In some instances, site plan review will be required. There are also requirements for permits and compliance with other statutes and ordinances. The township will be responsible for upholding these regulations and following up on any violations.

The minutes from the Empire Township Planning Commission Public Hearing show that the Chairman stated he and the zoning administrator’s prior background services to the Glen Lake Association (GLA). At the July meeting of the Empire Township Planning Commission, the Chairman noted the bylaws should be amended to cover recent changes to the Open Meetings Act (OMA) and potentially amend some language regarding conflict of interest. Based on prior staff reports for other townships regarding conflict of interest, staff commends the township on taking these actions.

# **Appendix - Transmittals from Empire Township**

**From:** [Trudy Galla](#)  
**To:** [Gail Myer](#)  
**Subject:** FW: Empire Submission to LCPC  
**Date:** Tuesday, August 17, 2021 6:42:26 PM  
**Attachments:** [Glen Lake Watershed Overlay District Final Draft Empire Township July 2021.pdf](#)  
[CCF08152021.pdf](#)  
[7-20-2021 ETPC Draft.pdf](#)  
[6-15-2021 ETPC Approved.pdf](#)

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**From:** Dana Boomer <dana\_boomer@yahoo.com>  
**Sent:** Tuesday, August 17, 2021 6:40 PM  
**To:** Trudy Galla <tgalla@leelanau.gov>; Dick Figura <rfigura@figuralaw.com>; "Tim Cypher"  
<tim@allpermits.com>  
**Subject:** Empire Submission to LCPC

Hi Trudy,

Please see attached for documents related to a recent Zoning Ordinance Amendment (overlay district) approved by the Empire Township Planning Commission. Included are the new ordinance language, a letter from the PC secretary, the minutes from the June 2021 meeting (including public hearing) and the minutes from the July 2021 meeting where additional changes to the ordinance were discussed.

Please let me know if you need any further information to bring this before the Leelanau County Planning Commission.

Thank you,

Dana Boomer  
Recording Secretary  
Empire Township Planning Commission



August 15, 2021

Leelanau County Planning Commission  
8527 E. Government Center Dr  
Suite 108  
Suttons Bay, MI 49682

RE: Empire Township Planning Commission  
Glen Lake – Crystal River Overlay District

Dear Planning Commission Members,

We are submitting for statutory review by the Leelanau County Planning Commission (LCPC), a proposed amendment to the Empire Township Zoning Ordinance establishing the Glen Lake - Crystal River Watershed Overlay District and providing for specific regulations for properties within the watershed district.

A public hearing was held on the proposed ordinance amendment on June 15, 2021. Thereafter, following discussion, The Empire Township Planning Commission (ETPC) deferred action on the proposed amendment to its July 20 meeting. At its July 20 meeting the ETPC, by a vote of 4 to 1 decided to recommend to the Empire Township Board that it adopt the proposed zoning ordinance amendment. The ETPC also authorized the submission of this proposed ordinance amendment to your commission for your review and comment as required by the MZEA.

The final draft of the proposed ordinance as approved by the ETPC is enclosed with this letter. The draft also contains some text stating the rationale for certain provisions in the proposed ordinance amendment. That text states the rationale on which the ETPC's action is based. That rationale will not be included in the final form of the ordinance amendment but will be retained in the form of an "annotated" copy of the ordinance amendment in the ETPC's official records and may be attached as an appendix to distributed copies of the ordinance as finally adopted.

By way of background, the proposed overlay district ordinance amendment was initially promulgated by the Glen Lake Association after years of study and effort. It is the hope that the overlay district regulations will be adopted in identical fashion by each of the four townships in which the watershed is located – Cleveland, Empire, Glen Arbor and Kasson. The ETPC is the first jurisdiction to act on the proposed district.

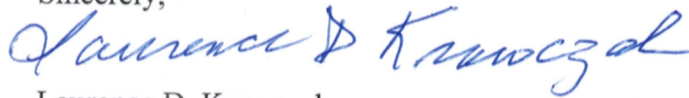
Enclosed with this final draft of proposed ordinance amendment are the following:

- June 2021 Meeting Minutes (including Public Hearing)
- July 2021 Meeting Minutes



Please advise if there is anything else the LCPC requires for its review. Also, please advise us of the time and place of the meeting at which the LCPC will consider the proposed amendment.

Sincerely,

A handwritten signature in blue ink that reads "Laurence D. Krawczak". The signature is written in a cursive style with a large initial 'L' and 'K'.

Laurence D. Krawczak

Secretary

Empire Township Planning Commission

**GLEN LAKE-CRYSTAL RIVER WATERSHED OVERLAY DISTRICT**  
**Empire Township Planning Commission**  
**Final Draft**  
**July 20, 2021**

**SECTION 1 PURPOSE AND APPLICATION**

- A. The purpose of this district is to protect the quality of water resources within the Glen Lake-Crystal River Watershed and to ensure that the structures and uses in this district are compatible with and protect these unique resources. Other specific purposes include:
1. The prevention of water pollution and water quality degradation.
  2. The conservation of natural shoreland areas, forested bluffs, and ridge lines in the watershed.
  3. Conservation of watershed hydrology by managing stormwater to protect the natural hydrologic regime, especially as it relates to the quantity of runoff versus infiltration and groundwater recharge.
  4. Protection against the negative impacts of nutrient loading, erosion, and stormwater runoff.
- B. The protection of the Glen Lake-Crystal River Watershed is deemed an important public purpose in order to protect public health and welfare and to conserve natural beauty and the environmental, historical, recreational, cultural, scenic and economic attributes of the watershed and region.
- C. The Glen Lake-Crystal River Watershed Overlay District is a supplemental district that includes all lands located within the Glen Lake-Crystal River Watershed as depicted on the Glen Lake-Crystal River Watershed Overlay District Map. The Glen Lake-Crystal River Watershed Overlay District applies simultaneously with any of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. In cases where a parcel is partially inside and partially outside of the Watershed Overlay District, only those portions located within the Watershed Overlay District are required to comply with the requirements of this district.
- D. All other requirements shall be as required by the underlying zoning district, except that where specific requirements of the Watershed Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

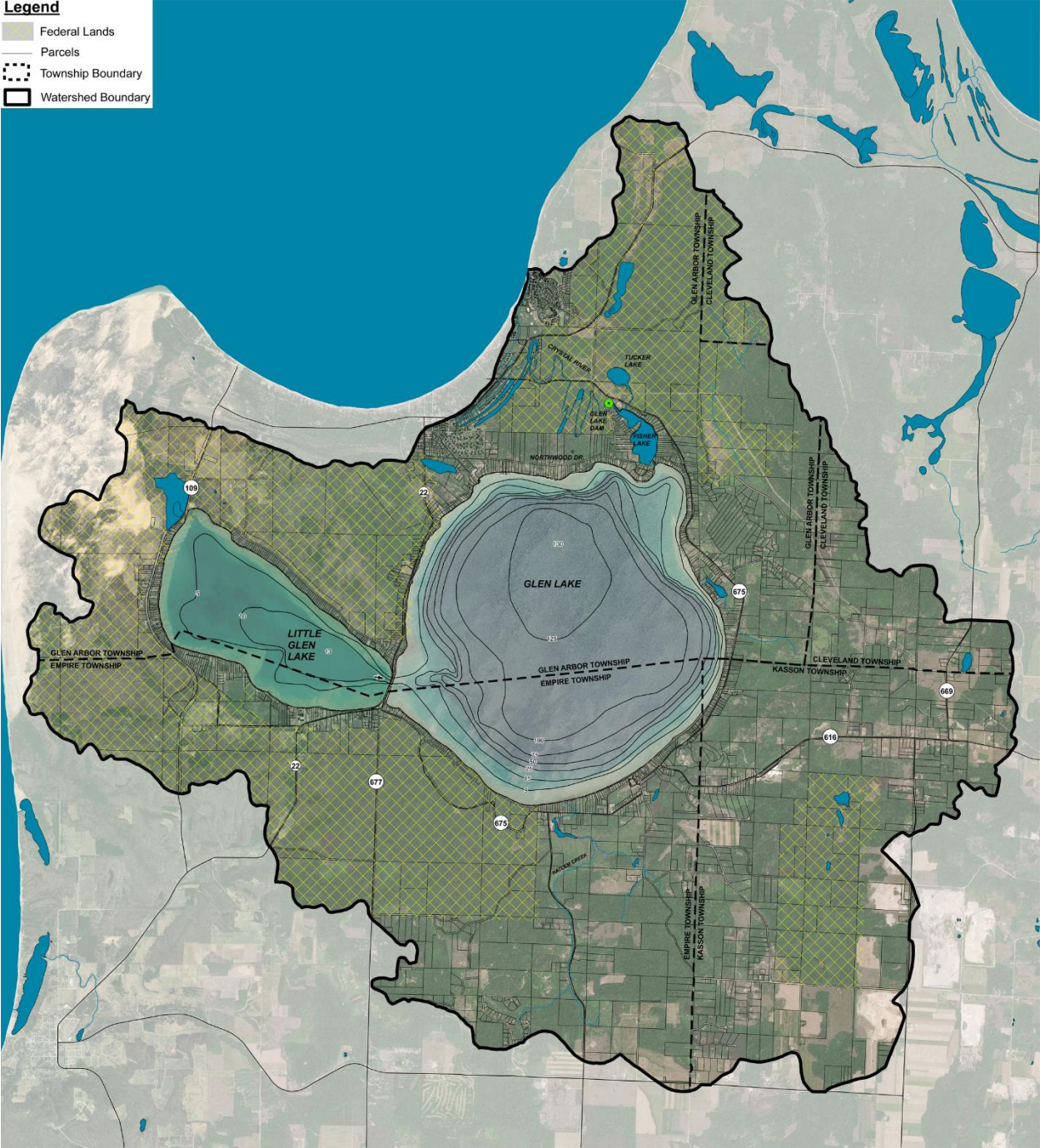
**SECTION 2 DEFINITIONS**

- A. For the purposes of this District, the following definitions shall apply.
1. Bluffs: Steeply sloped hills as depicted on the Glen Lake-Crystal River Watershed Steep Slope Areas Map.
  2. Hardened Seawall: A seawall composed of wood, plastic, sheet piling, concrete or other hard material.
  3. Lot Coverage: The part or percent of a lot occupied by impervious surfaces, including, but not limited to, buildings or structures, paving, drives, patios, and decks.
  4. Low Impact Development (LID): Stormwater management practices that promote the infiltration of rainwater and recharge of groundwater (as opposed to the conveyance of stormwater off-site). The purpose of LID is to mimic a site's pre-development hydrology by using design techniques to retain runoff close to its source. LID may include any of the following: bio-retention basins (i.e., rain gardens), infiltration trenches, porous pavement, grassed swales, perforated pipe, dry wells, rain barrels, and cisterns or other technologies or practices that reduce runoff.
  5. Natural Vegetative Cover: Natural vegetation, including native species of bushes, shrubs, groundcover, and trees on a lot. Lawn shall not qualify as natural vegetative cover.
  6. Ridge Line: A continuous elongated elevation of land marking or following a ridgetop as depicted on the Glen Lake-Crystal River Watershed Steep Slope Areas Map.

7. **Shoreline:** The ordinary high-water mark on a lot or parcel of land. On Glen Lake and Little Glen Lake, the ordinary high-water mark equates to an elevation of 596.75 feet national geodetic vertical datum (NGVD 1929).
8. **Shoreline Vegetative Buffer:** The land area inland from the shoreline maintained in natural or planted vegetation.
9. **Steep Slopes:** Lands having slopes of 12% or greater, generally composed of forested bluffs and ridge lines as depicted on the Glen Lake-Crystal River Watershed Steep Slope Areas Map. Slope is a measure of vertical rise to horizontal run. For example, land with a 12% slope has a 12-foot rise in vertical distance within 100 feet of horizontal distance.
10. **Structure:** Includes anything constructed or erected, which requires permanent location on the ground.

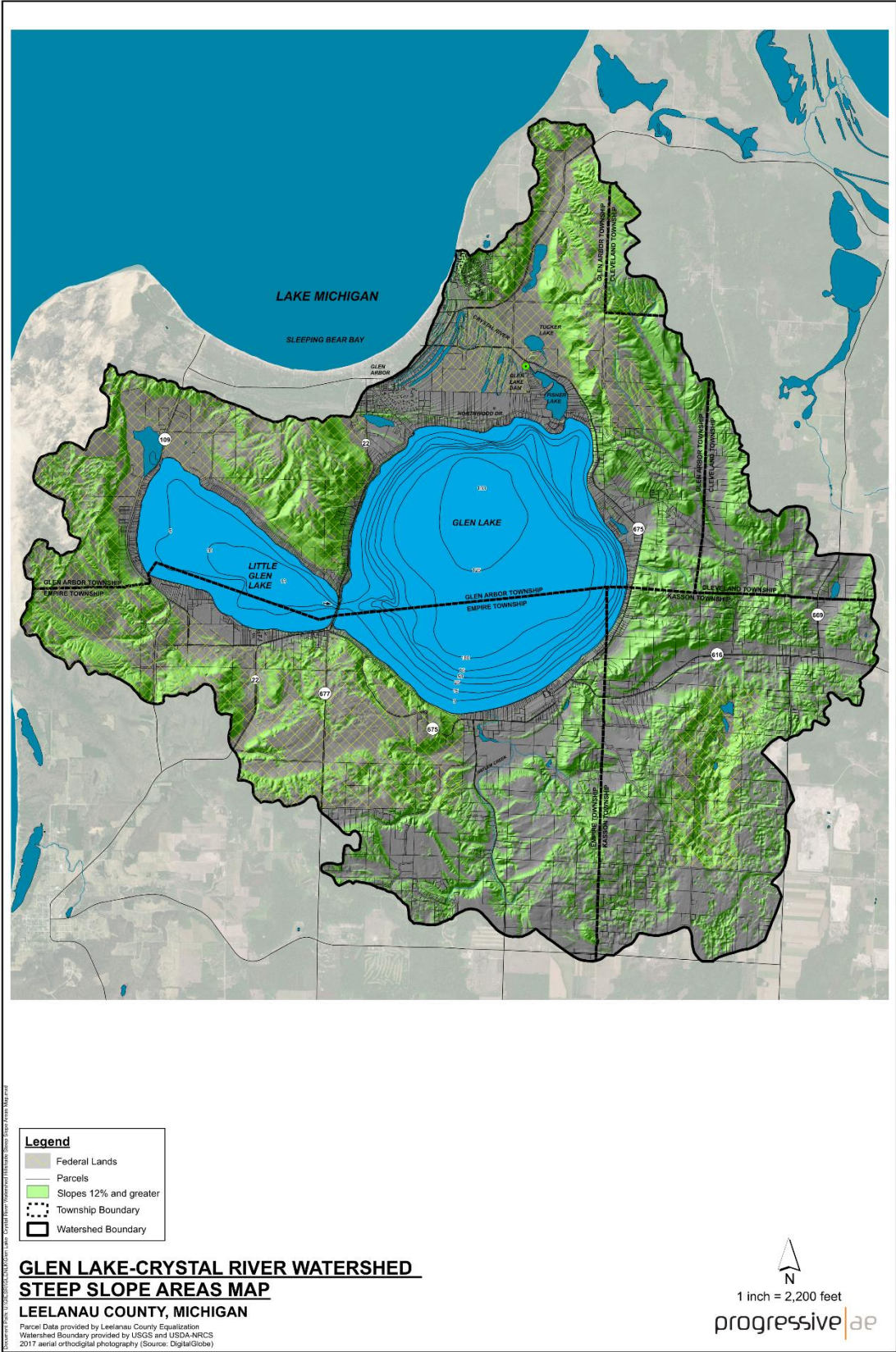
### **SECTION 3 DEVELOPMENT REQUIREMENTS**

- A. Permitted Uses:** With the exception of uses and activities prohibited herein, all permitted uses and special land uses permitted in the underlying zoning district shall be permitted in the Glen Lake-Crystal River Watershed Overlay District, provided such uses meet the requirements of this District.
- B. Non-permitted Uses:** The following uses and activities are not permitted in the Watershed Overlay District:
  1. Gas Stations
  2. Hazardous Waste Storage Facilities
  3. Salt Storage and Petroleum Storage Facilities
  4. Landfills, Salvage or Junkyards
  5. Industrial uses involved in the manufacturing, compounding, processing, or treating of products
  6. Any other use not specifically permitted in the underlying Districts
- C. Lot Area, Width, Yard, Building Area, Height, and Setback Requirements**
  1. Minimum requirements for lot area, lot width, yards, building setbacks, building area, and building height shall conform to those required by the underlying zoning district.



Glen Lake-Crystal River Watershed Overlay District Map.





Glen Lake-Crystal River Watershed Steep Slope Areas Map

#### D. Shoreline Vegetative Buffer

1. Intent: The purpose of the shoreline vegetative buffer is to protect the lakes and streams of the Township by preserving natural shoreline vegetative cover and habitat, preventing soil erosion, and providing a filter for the removal of pesticides, fertilizers, and other potential water pollutants.
2. A shoreline vegetative buffer bordering the lakes and rivers of the Township shall be maintained. Mowed lawn shall not qualify as natural vegetative buffer under this section. The minimum width of the buffer, as measured from the shoreline inland, shall be thirty (30) feet.
3. No more than 25% of a parcel's shoreline lot width may be planted in turf grass and/or maintained as open sand. The other 75% of the parcel's shoreline lot width must be planted in native species. These native species would preferably be a mixture of forbs, shrubs, and trees. Vegetation may be removed for a single view corridor, or selective vegetation removed to provide for a filtered view throughout the shoreline, provided the cumulative total of vegetation removed does not exceed 25% of the shoreline.
4. Selective trimming of tree branches to allow for filtered views is permitted within the shoreline vegetative buffer.
5. The use of pesticides, herbicides, and fertilizers within 30 feet of the shoreline is prohibited.
6. Limited clearing of the vegetative buffer is allowed when required for construction of a permitted structure outside the vegetative buffer, provided that the land cleared is returned to a vegetative state of the same quality that existed prior to clearing and is equally effective in retarding runoff, preventing erosion, and preserving natural beauty, and the functionality of the vegetative buffer.
7. These provisions shall not apply to the removal of invasive, exotic, noxious, dead, diseased, or dying vegetation or trees that are in danger of falling, causing damage to dwellings or other structures.
8. The shoreline vegetative buffer shall not be used for any motorized vehicular traffic, parking, or for storage of junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.



Shoreline Vegetative Buffer

### Water Quality Rationale

In the first-ever National Lakes Assessment conducted by the U.S. Environmental Protection Agency and published in 2010, researchers found that lakes lacking natural shoreland habitat were three times more likely to be in poor biological condition.

In the *Glen Lake-Crystal River Watershed Management Plan*, it was noted that:

Riparian buffers are widely considered one of the best ways to control and reduce the amount of non-point source pollution entering a water body. Also called vegetated stream buffers, filter strips, or greenbelts, these buffers consist of strips of trees, shrubs, and other vegetation lining a stream corridor or lakefront. These linear strips of vegetation serve as a stream's last line of defense against human activities such as lawns, septic systems, erosion and development.

Riparian buffers help to reduce the impact of almost all of the pollutants that currently threaten the Glen Lake-Crystal River Watershed: sediment, nutrients, toxins, thermal pollution, pathogens, changes to hydrology, and loss of habitat.

Recognizing the importance and value of maintaining natural shoreland areas, several states including Maine, Vermont, New Hampshire, Minnesota, and Wisconsin have enacted state-wide lake shoreland development standards. These regulations focus primarily on preservation of shoreline vegetative cover and limits on the clearing of shorelands. Local units of government in these states are required to adopt ordinances that meet the minimum state standards for water quality protection.

In accordance with Part 305 (Natural Rivers) of Michigan's Natural Resources and Environmental Protection Act, Michigan has similar development standards for some "designated" rivers, but no state-wide standards exist for Michigan lakes. However, local planning and zoning can be an effective tool to preserve natural shoreland areas and many communities including Garfield and East Bay Townships in Grand Traverse County and Hayes Township in Charlevoix County have incorporated shoreline vegetative buffer protection standards into their zoning ordinances. Locally, the Empire Township Zoning Ordinance (Section 4.17 – Shoreline Protection Area) states that no more than one-third of trees and shrubs can be removed within 25 feet of the ordinary high-water mark while the zoning ordinances of Glen Arbor and Kasson Townships are silent on the issue. The 30-foot width of the shoreline vegetative buffer cited above would be within the 40-foot lake setback currently required in the ordinances of all three townships and would provide uniform shoreline protection standards throughout the Glen Lake-Crystal River Watershed



## E. Hardened Seawalls

1. Intent: To prevent or limit the construction of seawalls that cause erosion, wave deflection, increased turbidity, and prevent the natural migration of aquatic life into and out of the water.
2. Hardened seawalls are prohibited except where the applicant can demonstrate to the zoning administrator that no other practical alternative exists.

### Water Quality Rationale

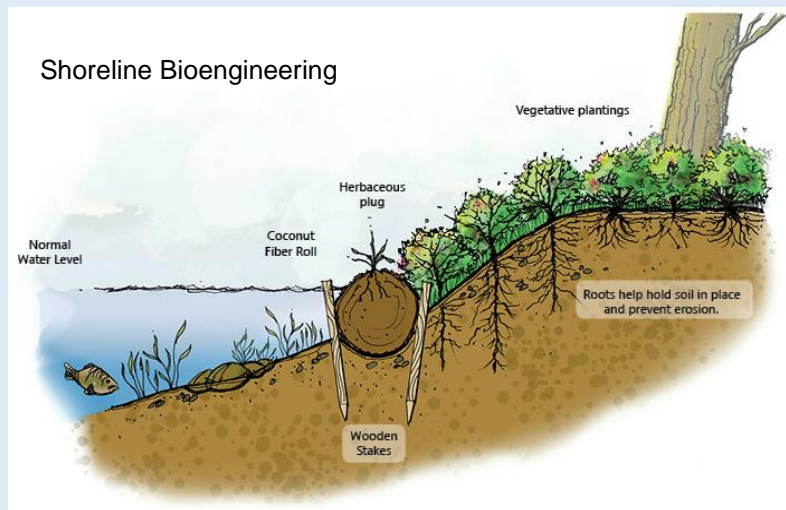
Most seawalls were built to help prevent erosion and stabilize the shoreline. However, there have been several unintended consequences of seawall construction:

- Seawalls deflect waves and can accelerate erosion at the foot of the seawall and nearby properties that lack seawalls.
- When a wave hits a seawall, its energy is not dissipated. Instead the wave is redirected back to the lake creating rough water conditions.
- Seawalls block the migration of frogs and other animals to shore.

In a Michigan Department of Natural Resources publication entitled *Conservation Guidelines for Michigan Lakes and Associated Natural Resources*, seawalls were characterized as follows:

Seawalls are detrimental to lakes in many ways. They generally remove the natural slope of the shoreline and create barriers that prevent the free migration of mammals, reptiles, and amphibians between the water and uplands. They remove the natural energy dissipating capacity of a sloped shoreline and natural vegetation, and this, in turn, causes increased erosive energy in other parts of the lake along with additional scour and deepening of the bottom and further removal of natural vegetation.

Currently, seawalls are rare on Glen and Little Glen Lakes. Many of the problems associated with seawalls can be addressed by using more natural, bioengineering approaches. Bioengineering uses a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that, to the extent practical, mimics and or enhances the natural landscape. Seawall construction at or below the ordinary high-water mark requires a permit in accordance with Part 301 (Inland Lakes and Streams) of Michigan's Natural Resources and Environmental Protection Act. Recognizing the problems with conventional seawalls, the Michigan Department of Environment, Great Lakes and Energy has created an expedited minor permit category to incentivize bioengineering approaches.





## F. Fertilizer Use

1. Intent: To limit the use of phosphorus-laden lawn fertilizers that accelerate lake eutrophication.
2. Consistent with state law, lawn fertilizer containing phosphorus shall not be applied unless a new lawn is being established or a soil test documents a phosphorus deficiency. Agricultural fertilizer applications are exempt from this requirement.

### Water Quality Rationale

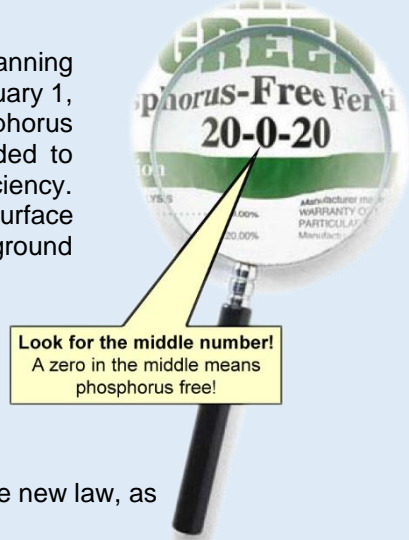
Phosphorus is the nutrient that most often stimulates excessive growth of aquatic plants, leading to a variety of problems known collectively as eutrophication. Elevated phosphorus levels are causing premature aging of many Michigan lakes.

To address this problem, Michigan passed legislation several years ago that limited the phosphorus content of laundry detergents and more recently extended the ban to dishwasher detergents. However, phosphorus in fertilizers remained a problem. Phosphorus is a key ingredient in many commercial lawn fertilizers and is commonly applied at rates well in excess of what is needed to maintain a healthy lawn. Excess phosphorus can run off into lakes and streams where a single pound of phosphorus can generate hundreds of pounds of aquatic vegetation.

Michigan recently joined several other Great Lakes states in banning phosphorus in lawn fertilizers. The new law, which took effect on January 1, 2012, prohibits the application of lawn fertilizers containing phosphorus unless a new lawn is being established (and phosphorus is needed to promote root growth) or if a soil test indicates a soil phosphorus deficiency. The new law also regulates the application of lawn fertilizer near surface waters and prohibits lawn fertilizer applications on frozen ground or ground saturated with water.

Under the new law, fertilizer containing phosphorus can be applied on golf courses operated by staff members that have been certified by the Department of Agriculture as having completed training on best management practices for the proper use of phosphorus fertilizers.

Agricultural fertilizer applications are exempt from regulation under the new law, as are phosphorus applications for gardens, trees, and shrubs.



**G. Lot Coverage and Natural Vegetative Cover**

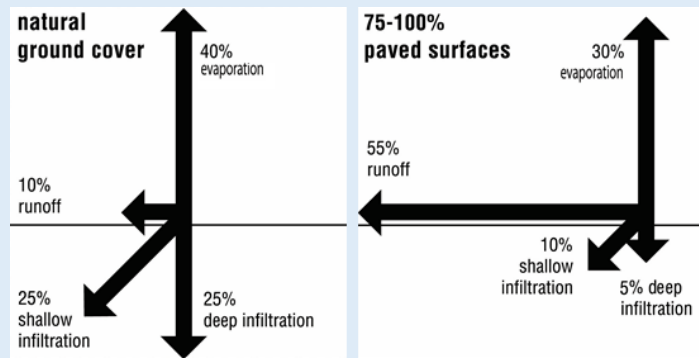
1. Intent: To minimize impervious surfaces and runoff and promote the natural infiltration and recharge of groundwater in the watershed.
2. For all development in the Glen Lake-Crystal River Watershed, excluding commercial, industrial, agriculture and gravel mining operations, the following Lot Coverage and Natural Vegetative Cover provisions shall apply:
  - a. Lot Coverage: The maximum lot coverage shall not exceed 25% of the entire lot area. The use of pervious pavement for driveways and patios is encouraged and may be excluded from the calculation of lot coverage.
  - b. Natural Vegetative Cover: Lots shall maintain a minimum of thirty percent (30%) of the entire lot area in natural vegetative cover. To the extent practical, natural vegetative cover shall be maintained along lot lines, natural drainage courses, and wetlands. On lots bordering lakes, the Shoreline Vegetative Buffer required by this District may be included as part of the Natural Vegetative Cover.
  - c. In the case of planned unit developments, site condominiums, and open space developments, each individual lot need not meet the requirements of this Section, provided that the total project or an individual phase of a project meets the requirements of this Section.

**Water Quality Rationale**

Typically, as development occurs within a watershed, forested areas are replaced by impervious surfaces such as roads, driveways and roof tops. As overall imperviousness increases, runoff increases and the amount of water infiltrating to groundwater decreases. Steep slopes, as are common in the Glen Lake-Crystal River Watershed, exacerbate this potential.

Runoff often contains oil and gasoline residues, nutrients, sediment, oxygen-consuming wastes, and a variety of other contaminants that can degrade water resources. In fact, the Center for Watershed Protection reported that adverse water quality and hydrologic impacts have been observed in watersheds with as little as 10% imperviousness. Minimizing imperviousness is an important consideration in watershed management.

The overlay district provisions are intended to strike a balance between the amount of imperviousness and natural vegetative cover as additional development occurs in the watershed. The provisions may also help to address the “big foot” phenomena in which oversized houses dominate small lots.



## H. Stormwater Management

1. Intent: This provision is intended to preserve natural drainage systems to encourage infiltration and to minimize the need to construct enclosed, below-grade storm drain systems; to preserve natural infiltration and the recharge of groundwater and to maintain subsurface flows which replenish lakes, streams, and wetlands and maintain water quality; and to ensure that soil erosion, sediment, and stormwater runoff control systems are incorporated into site planning at an early stage in the planning and design process.
2. As of the effective date of this Ordinance, stormwater shall be managed in accordance with low impact development (LID) design principles that promote the infiltration of rainwater and recharge of groundwater (as opposed to the conveyance of stormwater off-site). Where feasible, steps shall be taken to retain and infiltrate stormwater on-site via LID practices. All lots shall retain stormwater runoff on-site or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies beyond the existing predevelopment runoff impact.
3. Lands within the Glen Lake-Crystal River Watershed are deemed environmentally sensitive areas having a high potential for environmental degradation as a result of soil erosion and stormwater runoff and are thus subject to the standards contained within Leelanau County's Soil Erosion, Sedimentation and Stormwater Runoff Control Ordinance. On all lands within the watershed, a land use or building permit shall not be granted until a permit or waiver has been issued by the Leelanau County Enforcing Agency (i.e., the Leelanau Conservation District) in accordance with the Leelanau County Soil Erosion, Sedimentation and Stormwater Runoff Control Ordinance.



Bio-retention (Rain Garden)

### Water Quality Rationale

The largest source of water to Glen Lake and Little Glen Lakes is groundwater. In the Glen Lake-Crystal River Watershed Management Plan it was noted:

Groundwater is an extremely important factor in the hydrological budget of Glen Lake. Therefore, it is essential that groundwater is replenished or "recharged." This underscores the importance of protecting upland areas from impervious surfaces or other development that can inhibit the percolation of precipitation through the soil into the groundwater and decrease groundwater recharge...

Maintaining the natural hydrologic balance in the Glen Lake-Crystal River Watershed is essential to sustaining water quality. One way to preserve the natural balance is by using planning and zoning tools that promote low impact development (LID) design principles. The purpose of LID is to mimic a site's pre-development hydrology by using design techniques to retain runoff close to its source. Essentially, rainwater is managed where it falls. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts. The highly-permeable soils throughout the Glen Lake-Crystal River Watershed provide opportunities to implement LID in that, in many cases, stormwater can be infiltrated and retained on-site.

Without proper stormwater management, build-out of the Glen Lake-Crystal River Watershed could degrade water quality. Low impact development would minimize potential water quality impacts. The stormwater management provision of the watershed overlay district would help to ensure stormwater management issues are addressed as part of the development approval process.

**I. Steep Slopes**

1. Intent: The steep slope standards are intended to preserve the environmental attributes of the forested bluffs and ridge lines in the watershed and to minimize the potential for soil erosion and sedimentation.
2. Access drives and/or roads shall be placed as close to the natural contour of the land as possible in order to minimize cutting and filling.
3. Natural Vegetative Cover: To the extent practical, natural vegetative cover shall be maintained along lot lines, natural drainage courses, ridge lines and bluff tops. Within the area of Natural Vegetative Cover, vegetation removal shall be restricted to the removal of dead, diseased, or dying trees. All removal of vegetation shall be done in such a manner as to avoid erosion. The select trimming of branches to afford views is permitted within areas of natural vegetative cover. Developers of steep sloped areas may be required to provide an alternatives analysis to determine if impacts to ridge lines and bluff tops can be avoided or minimized.
4. No pathway or trail shall cause erosion or damage to non-vegetated or vegetated areas. The zoning administrator may require raised boardwalks or stairways be erected to prevent weakening or damaging of the steep slope area.

**Water Quality Rationale**

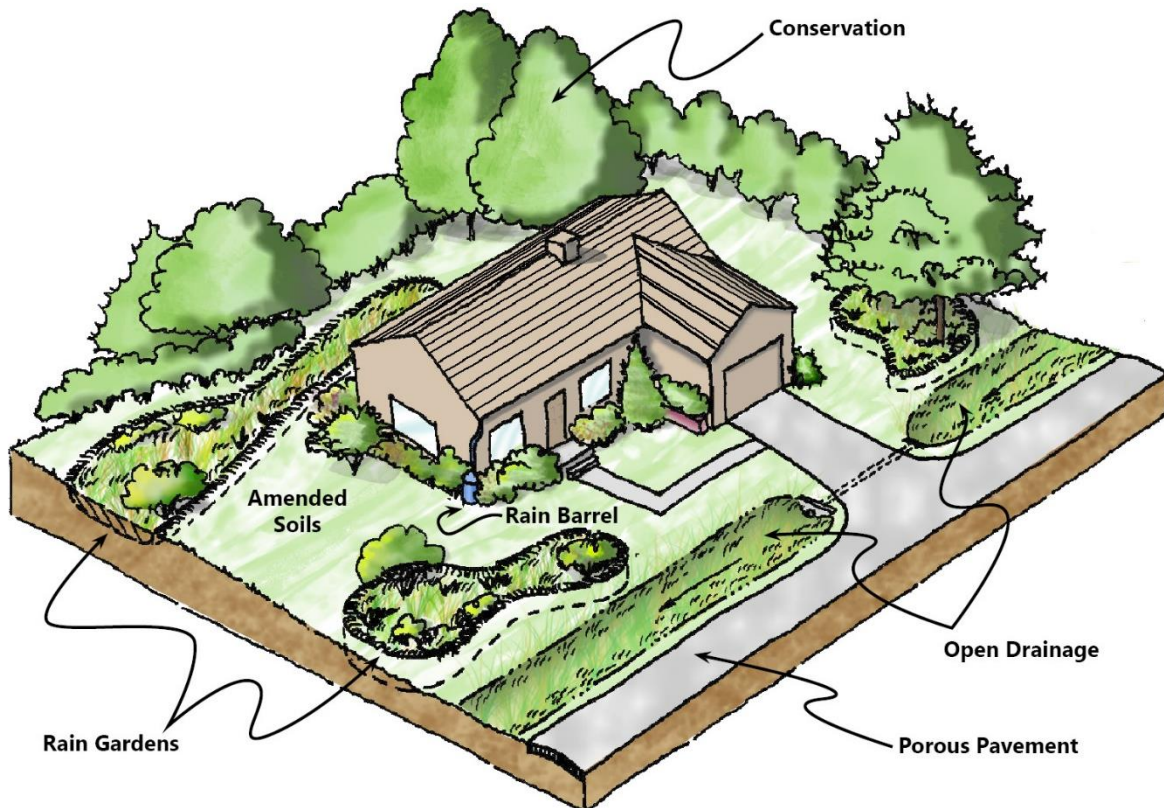
Steeply sloped bluffs and ridge lines help to define the unique character of the Glen Lake-Crystal River Watershed. For the most part, the bluffs and ridge lines in the watershed remain forested; many are located within the Sleeping Bear Dunes National Lakeshore and, thus, are permanently protected. However, several steeply sloped bluffs and ridges exist on lands under township zoning jurisdiction. Some of these bluffs and ridges are several hundred feet above the elevation of the lakes in the watershed and are prominent natural features that define the landscape.

In general, the higher and steeper the bluff, the greater the potential for problems if improperly developed. The steep slope standards are designed to help prevent unreasonable alteration of the forested bluffs and ridge lines in the watershed and to reduce the potential for erosion. The Glen Lake-Crystal River Watershed Steep Slope Areas Map depicts the generalized location of steeply sloped areas within the watershed; it can be used to identify lands and parcels in which the steep slope provisions of the watershed overlay district apply.



## J. General Design and Development Standards

1. Intent: The general design and development standards are intended to minimize the impact of development on the land and water resources of the watershed.
2. Natural vegetation shall be maintained wherever possible.
3. Existing mature trees shall be maintained on site where feasible. The developer must demonstrate how trees will be protected during construction or how to relocate trees if necessary.
4. To the extent feasible, natural drainage areas shall be protected from grading activity. Where possible, existing natural runoff control features such as swales, berms, and shallow depressions shall be retained to help reduce runoff and to encourage infiltration of stormwater.
5. Grading shall be conducted to minimize undue compaction of site soils.
6. Buildings and structures shall be clustered as much as possible to retain open space and surrounding tree cover, and to minimize changes in topography.
7. Clearing of land is prohibited without appropriate approval from the Township except when land is cleared and cultivated for an agricultural, forestry, or garden use in a district permitting such use.
8. The smallest practical area may be exposed at any one time during development. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
9. Where feasible, private roads and driveways shall be located along natural contours in order to minimize cutting and filling and the potential for erosion.
10. Appropriate measures shall be taken to prevent adverse impacts to neighboring properties or the quality of area water resources from stormwater drainage.
11. Low Impact Development (LID) shall be used where practical and, to the extent feasible, stormwater shall be retained on-site.



Low Impact Development—Site Level

## SECTION 4 APPROVALS

- A. Intent: To provide a process that requires all development within the Glen Lake-Crystal River Watershed to be reviewed to ensure full compliance with requirements of this District.
- B. Site plan approval, in accordance with the requirements of the Site Plan Review provisions of the Township, shall be obtained for development subject to the Township's site plan review standards. For parcels in the Glen Lake-Crystal River Watershed subject to the Township's site plan review standards, site plans shall include all information required for site plan review as well as the following:
  - 1. Existing natural features such as mature trees, wetlands, steep slopes, soil types, drainage and water features, and a narrative description of how natural areas will be preserved.
  - 2. The ordinary high-water mark and proposed shoreline vegetative buffer (if applicable).
  - 3. The placement of proposed structures; grading limits; areas where vegetation is proposed to be cleared.
  - 4. A calculation of the percent Lot Cover and percent Natural Vegetative Cover.
  - 5. Existing structures on the subject property.
  - 6. Low impact development stormwater management controls proposed to be used on the site.
- C. For development in the Glen Lake-Crystal River Watershed not subject to site plan review, a plot plan drawn to scale meeting the requirements of Section 4.B above must be submitted to the Township's zoning administrator for administrative review and approval prior to the issuance of a building permit.
- D. Development within the Watershed Overlay District must conform with all applicable County, State, Federal, and Township statutes and ordinances including, but not limited to, the Leelanau County Soil Erosion, Sedimentation and Stormwater Runoff Control Ordinance, Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act and septic and well approvals from the Benzie-Leelanau District Health Department.

### Water Quality Rationale

The Michigan Zoning Enabling Act (PA 110 of 2006) defines a Site Plan as follows: "Site plan" includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. Under the zoning enabling act, a site plan is required for all special uses and planned unit developments. Many communities require site plan review for commercial and industrial development as well. Beyond the statutory requirements for site plan review, communities have discretion to decide which types of development require review and the level of review.

In the publication entitled Protecting Michigan's Inland Lakes – A Guide for Local Governments, site plans are described as follows:

Site plans are the documents and drawings that present information showing what an applicant for zoning approval wants to achieve on a parcel of land. Because good site plans usually include information on stormwater patterns, topography, soils and wetland locations, they can help local decision makers better assess what might be necessary to protect water resources before construction begins.

Site plan review provides an effective mechanism to protect water quality by ensuring water quality protection issues are addressed as part of the development design process. The Approval section of the overlay district would require that provisions of the Glen Lake-Crystal River Watershed Overlay District be considered as part of the development review process and that all development that is not currently subject to site plan review be subject to an administrative review by the zoning administrator prior to the issuance of a land use or building permit.

**APPROVED  
EMPIRE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**June 15, 2021**

The Empire Township Planning Commission held a regular meeting on Tuesday, June 15, 2021. The meeting was held at the Glen Lake Community Reformed Church.

**CALL TO ORDER:** Dick Figura, Chair, called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Members Present: Dick Figura, Larry Krawczak, Micah Deegan, Erik Foged. Duane Shugart.

Members Absent: None

Staff Present: Tim Cypher, Dana Boomer

**APPROVAL OF AGENDA:** The board briefly discussed the agenda. **Motion by Krawczak, second by Deegan to approve the agenda as presented. All in favor, motion carried.**

**APPROVAL OF MINUTES:** **Motion by Foged, second by Shugart to approve the May 18, 2021 Meeting Minutes as presented. All in favor, motion carried.**

**COMMUNICATIONS:** Cypher has received several communications regarding the public hearing tonight – he will read those during the public hearing.

**PUBLIC COMMENT:** A general comment asked whether there will be the opportunity for question and answer during the public hearing – Figura replied that he will discuss this during the instructions for public comment in the public hearing.

**ZONING ADMINISTRATOR'S REPORT:** Acknowledged the receipt of Cypher's monthly reports for May 2021. Cypher briefly summarized his reports. **Motion by Shugart, second by Foged to acknowledge receipt of the May 2021 reports. All in favor, motion carried.**

**PUBLIC HEARING – WATERSHED OVERLAY DISTRICT** – Figura opened the public hearing at 7:06 pm and explained the process. He thanked the Glen Lake Community Reformed Church for allowing the Planning Commission to conduct the meeting in their facility, using their technology to conduct a hybrid in-person/Zoom meeting. This public hearing is regarding a proposed watershed overlay district, which would impose additional regulations on all properties within the Glen Lake/Crystal River Watershed, regardless of underlying zoning. Figura stated that he and Zoning Administrator Tim Cypher have both provided background services to the GLA, as they serve, respectively, as the attorney and Zoning Administrator for three of the four townships which contain portions of the watershed. They have not taken a position on the proposed district, but have been previously involved in clarification and legalities with regard to the proposal. While there is generally no opportunity for question and answer, part of the reason for this public hearing is to be informative, and so question and answer will be allowed at the discretion of the Chair.

- a. Presentation by Glen Lake Association – Rob Karner, a watershed biologist from the Glen Lake Association, presented regarding the Watershed Overlay District, which the GLA has developed and is recommending adopting. Karner summarized the proposed amendment, its history and development, and the reason for the proposal. The proposed



overlay district regulations have been made available on the GLA website and the Empire Township website. This proposal covers lands in Empire, Kasson, Glen Arbor, and Cleveland Townships; the public hearing tonight only covers Empire Township. The proposal would only affect new structures and uses; existing structures and uses would be grandfathered. Karner covered the proposed changes to uses, greenbelts, sea walls, stormwater runoff, and steep slopes. Karner and the GLA recommend the adoption of this overlay district to protect the water quality of the Glen Lakes for years to come.

- b. Comments from Staff – Cypher reviewed the summary document that had been previously provided regarding the differences between the current zoning and the proposed overlay district. He covered the added definitions; items such as setbacks, height restrictions and lot size requirements which would remain the same; and items that are proposed to be changed such as the vegetative buffers, seawalls, steep slopes, clustered development, and tree clearing.

Figura then opened the floor for questions of clarification.

Dave Burton – Lot 17, Glen Forest, Empire, resident in Glen Arbor Township – How many lots on Glen Lake are undeveloped that are not in the park? Cypher replied that he believes almost 92% of available lots have been developed.

There were no further clarification questions. Cypher then read several letters from the public into the record – these will be maintained as part of the record. There were seven letters in support of the overlay district, and three letters opposed to the overlay district. These letters are attached to the end of these minutes.

- c. Public Comment –  
COMMENTS IN FAVOR OF PROPOSED AMENDMENT

Denny Becker – Day Forest Road, Glen Arbor Resident – He has been involved with the GLA for a number of years. Most people seem to be in favor of the overlay district, but he has heard a number of people ask if this can be done through education, rather than legislation. In a previous project, it was suggested that the issue of poor septic systems be addressed through education; it was found that while education helps, the only way to get 100% compliance is through legislation.

(via Zoom) Ralph Bednarz – Rennie Lake, East Bay Township – He thanked the townships for undertaking the review of this proposal. Bednarz is a retired limnologist who spent his career working with clean water initiatives, and has worked on projects on the Glen Lakes. This proposed zoning was well developed, and is thoughtful and practical. Excessive development and the removal of native vegetation are major causes of the degradation of lakes and watersheds. Only 10% of the nation's lakes remain blue and healthy, with the Glen Lakes as one of these, but action must be taken to ensure that it remains so.

(via Zoom) Don Brady – Westwoods Drive, Empire Township – He is an employee of EGLE. He supports the overlay district, as he feels it is very important to have a concerted effort to monitor and protect natural resources, especially those that cover multiple jurisdictions. In his job, he sees lakes that have not been protected, and he believes that the regulations in the proposed ordinance are necessary to protect the watershed. He supports this as a State of Michigan employee whose job is to protect water quality and a resident who loves to recreate on Glen Lake and the surrounding area.

## COMMENTS AGAINST PROPOSED AMENDMENT

Roger Noonan – landowner in Empire Township – His family owns a 200 acre parcel in Empire Township in the proposed district where they have a large cherry orchard and small feedlot. There is nothing in the proposed amendment that supports agriculture; it does not allow small processing plants for agricultural purposes. He opposes the district, as it does not support agriculture.

Scott Higgs – Burdickville Road – He is opposed to the overlay district. This is a solution in search of a problem. This is trying to provide uniform language over a non-uniform district. Kasson Township is drastically different than the lakeshore areas along Glen Lake. In addition, some issues are already regulated by the state, or are already regulated in the Zoning Ordinance. He feels that the issues should be regulated in individual township zoning ordinances, rather than a uniform overlay district. He disagrees with the steep slope provisions specifically, as the proposal makes no argument for how this would improve water quality. The proposed restrictions are very restrictive with regard to what is considered a steep slope.

Dave Burton – Empire Township and Glen Arbor Township – His property has viewshed deed rights, which allow him to trim and remove trees on other people’s properties which impede his view. The proposed ordinance would impede this right. Mr. Karner spoke to the vegetative buffer as the most important portion; however, 92% of the lots on the lake are grandfathered. This proposal is reaching for solutions which are better approaches through education. Property rights are being stripped through this ordinance, and then the township will waste his property tax money defending lawsuits from property owners.

- d. Close Public Hearing – With no further public comment, Figura closed the public hearing at 8:15 pm.

## OLD BUSINESS:

- A. **Watershed Overlay District** – The PC discussed the proposed overlay district. Micah Deegan stated that generally speaking he can support the overlay district; however, he feels it still needs a few tweaks, especially with regard to the vegetative buffers, views, and steep slopes. He feels that the proposed regulations are overly restrictive with regard to vegetative buffers and steep slopes. It is up to the PC to protect the region as well as they can, but he feels there are changes that should be made to the proposal.

Duane Shugart thanked the public who are attending via Zoom and in person. He has a few concerns that he feels need to be addressed, including the agricultural side, vegetative buffers and viewscapes. Agriculture is listed in the Master Plan as an important area that needs to be preserved. He is in favor of the overlay district, but has concerns with specific areas and is concerned with over regulation.

Erik Foged feels that there are several things that need to be tweaked in the proposal. There is a good foundation, and the PC should move forward with polishing the proposal.

Dick Figura stated that the steep slope issue is an interesting one. At first he thought that 12% was not steep enough – that the restriction should kick in at a steeper slope. However, he also realized that in very sandy, easily disturbed soils, 12% may be steep enough. He is also interested in the agricultural question, as he was under the impression that the ordinance as written exempted agricultural uses. Regarding the lakefront lots, as those change uses and structures are built and rebuilt, additional lots will be brought under the purview of the proposed overlay district.

Cypher recommended that a formal decision be sought from the Michigan Department of Agriculture regarding agricultural uses and whether they could be covered under an overlay district of this sort. That research could clarify the issues related to agriculture going forward. **Foged moved to postpone a decision on the overlay district project until July, regarding the areas of concern identified, including steep slope, agriculture, and the view/vegetative buffer issue. Shugart seconded. Roll call: Foged (yes), Krawczak (yes), Deegan (yes), Shugart (yes), Figura (yes), motion carried.**

The PC will continue discussion on the overlay district at the July meeting. This will be a regular meeting, not a public hearing, but all public members are welcome to attend and there will be the opportunity for public comment. Additional comments can also be directed to Tim Cypher in writing.

- B. **Master Plan Review** – Due to time, this item was tabled until the July meeting. At that time, additional updates will be provided and Paula Figura will speak regarding broadband. **Foged moved, Krawczak seconded to table the item until July. All in favor, motion carried.**

**NEW BUSINESS:**

- A. **Pleasure of the Board** – None

**PUBLIC COMMENT:** None

**BOARD COMMENT:** Larry Krawczak asked for proposed language on amendment changes to be distributed for review prior to the next meeting. The PC authorized Figura to work with Cypher and Karner to developed options for discussion.

Micah Deegan thanked the church and the public for their support and participation in the meeting.

**ADJOURNMENT:** **Motion** by Krawczak to adjourn at 8:33 pm, Deegan seconded. With no objection, Figura adjourned the meeting.

Respectfully Submitted,

Dana Boomer  
Recording Secretary

To: Timothy A. Cypher, Empire township Zoning Administrator  
From: Viktor G. and Susan R. Theiss 8864 S. Dunn's Farm Road, Maple City, Michigan  
Subject: Empire Township Glen Lake-Crystal River Watershed Overlay District

Ever since we became aware of this effort, we have been thinking and thinking about it, and why it should be adopted ASAP. Very simply put, IT IS THE RIGHT THING TO DO...for the long term health of the watershed, our local economy, and our way of life.

Almost 20 years ago, our then Congressman Dave Camp came to Glen Arbor to celebrate the successful passage of legislation which he sponsored to expand the boundaries of the Sleeping Bear Dunes National Lakeshore by adding approximately 120 acres of rare dune and swale complex along the Crystal River that had been proposed for development of a championship golf course. At the close of the event his chief of staff (Joanna Foust) commented that after 7 years of service in the Congress, the boundary expansion project was her most satisfying. She stated "it was the right thing to do", instead of being based on "political considerations like most of their projects". The Glen Lake-Crystal River Watershed Overlay District is one of those.

Had the golf course been built as proposed, the water quality in the Crystal would have been severely degraded by pesticides and fertilizer runoff, water levels in the watershed would have been significantly reduced from irrigation, river fishing would probably be mostly a thing of the past, and the enjoyment the public incurs paddling the river would have changed forever. Twenty years from now the overlay district has the potential to have a similar positive impact on our watershed. Why would that be true? Because the watershed is extremely fragile and under stress from so many factors, particularly relating to land use, and the overlay district will insure mitigation from many of these factors.

With more large structures and impermeable surfaces being built throughout the watershed, and more people occupying them, with more plantings requiring more irrigation and fertilizing, the potential for runoff pollution increases significantly. The overlay district addresses these issues with common sense measures that reduce toxic runoff and contamination of the water. Moreover, low impact design standards and retention of tree and vegetative cover will also contribute. The economic impact of maintaining water quality and thus property values and the tax base is obvious. It also impacts the quality of life for those of us who make our permanent residence here and cherish a way of life that is the envy of the world.

Thank you, thank you, thank you for joining with the Glen Lake Association and your neighbors in keeping this watershed the most beautiful place in America.

Dear Members of the Empire Township Planning Commission,

Thank you for the opportunity to comment on the proposed Glen Lake-Crystal River Watershed Overlay District. It relates to both my professional and academic experiences. I have an MS degree in Natural Resources Management with an emphasis on water resources, worked for Illinois Environmental Protection Agency (EPA) for implementation of the non-point source sections of the Clean Water Act, and founded and managed Mama Bear Restorations, Inc which designed and implemented shoreline restoration at Glen Lake, projects which continue to this day.

For the past two decades I have worked professionally on the east shore of Glen Lake. The focus of the work my staff and I did was shoreline restoration using native plants, including developing successful methods for recovery of the endangered Michigan Monkey Flower as well as the first program for control of the Coltsfoot invasion which threatened all vegetation around the lake. I have trudged up and down many, many miles of Glen Lake's shoreline. During that process I have observed numerous negative watershed issues ranging from septic system malfunction, to shoreline erosion matters, to disruption to natural drainage, to improper use of fertilizers and herbicides, to lawns going to water's edge, to properties without enough vegetative cover, and more. All of these sorts of negative issues will, in time, contribute to lowering of the water quality in Glen Lake.

Fortunately, I have also seen numerous positive measures to alleviate or eliminate these kinds of negative issues and in many instances to stop problems before they start. In short I have personally observed and experienced Glen Lake watershed matters, ranging from A to Z. I am very pleased to see that the proposed Glen Lake-Crystal River Watershed Overlay District is designed to help stop those kinds of problems before they start. It seems to me – both from my perspective working directly in the watershed and from methodologies I studied in academe -- that the Overlay District is just what our watershed needs.

Deterioration of Glen Lake and its watershed would inevitably lead to unpleasant economic and personal consequences. The Overlay District is designed to keep that deterioration from happening. The Overlay District would be a win-win because it would enable responsible development to proceed while at the same time seeing to it that development has a minimal negative effect on the lake.

I urge you to "green light" the proposed Overlay District to the Empire Township Board. Thank you so much for your consideration!

Jody Marquis  
8892 S. Dunns Farm Rd.  
Maple City, MI

Dear Members of the Planning Commission and Zoning Board of Empire Township,

We are property owners in Empire Township. We are also members of the Glen Lake Association. We are writing to let you know that we have just read over the Overlay District Proposal of the Glen Lake Association, and we agree with the provisions to promote responsible development and protect our Glen Lake/Crystal River watershed area. We all are fortunate to live in such a uniquely beautiful area, and it is important to preserve the quality of our water and the surrounding area.

Thank you for your interest and consideration.

Always,  
Mary and Paul Finnegan

Tim,

Regarding the proposed Overlay district: I'm opposed to the overlay district. While I believe that most of the provisions are beneficial, I believe that they should be encourage and voluntary, not legislated. I hope that the township will not approve this plan unless it is approved by a majority vote of all those that it affects.

Dale DeJager  
5284 W MacFarlane Rd.  
Glen Arbor, MI 49636



To All Concerned,

We wish to state that we support creation of a Glen Lake/Crystal River Watershed Overlay District in order to protect our most vital resource--our water, above and below ground. We further support any other measures that will help achieve this. We thank you for considering this and for your efforts to protect our environment.

Sincerely,

Tom & Alice Van Zoeren

9585 Bow Rd

Maple City, MI 49664

Hi Tim,

I wanted to write a quick note in tremendous support of the Glen Lake Watershed Overlay District for Empire Township.

I work as a professional ecologist and botanist, and routinely conduct wetland condition assessments and a variety of ecosystem integrity assessments across Michigan for state and federal agencies. Throughout my professional career I continually observe the, frankly tragic, results of bad land use decisions coupled with poor oversight impacting wetlands, lakes, and streams. Also, how quickly land use impacts wetlands and waterbodies and how difficult it can be to ameliorate problems after-the-fact. This proposed ordinance appears to address many of the factors I would consider critical in mitigating impacts of development, such as conserving shoreline vegetation and trees, discouraging hardened shorelines, targeting phosphorus inputs, and general oversight of development.

With the increasing rate of development pressure, and people building in more marginal areas such as wetland margins and steep slopes, it is a critical time to address this issue. These are the decisions that will help keep Leelanau's wetlands, lakes, and streams from becoming eutrophic and degraded, as much of the Southern Lower Peninsula has become.

Thanks for your time!

Liana May  
0000 Echo Valley Rd, Empire Twsp &  
12840 Regal St, Elmwood Twsp

I am writing as a Glen Lake property owner who is not in favor of the watershed overlay district. It would be completely troublesome to have plants on my beach be legislated so that I, as property owner, could not increase or decrease the size of my raspberry patch whatever else might happen over the years. Since purchasing the property, we have been advised about what is safe and best for the lake. I believe that those of us on the lake are motivated to keep Glen Lake at its best. However, change will always happen even without legislation. For example, as the ash trees have died, we have had to cut them down and many have fallen on their own taking out power lines and blocking driveways. We have been told because of the marshy area where this occurred, that we cannot have the stumps ground so we have just left this ghost forest of stumps alone. Forests change over the years, the shoreline changes a bit with water levels and storms; change is inevitable. Home owners can learn best and safe practices but the watershed overlay district is too much. Focus your efforts on gravel and surface mining.

Sincerely,

Margaret DeJager

5284 W MacFarlane Rd

Glen Arbor, MI 49636

Mr. Cypher,

We live on the south shore of Little Glen Lake in Empire Township. We are not able to attend tomorrow's Planning Commission public hearing on the proposed Glen Lake-Crystal River Overlay District, but wanted to go on record as being in support of the overlay. We believe it is a sensible and reasonable approach to help protect the unique, high quality water we are blessed with, and that it would do so without significant burdens on Empire Township residents. We hope the Commission will approve the overlay.

Sincerely,

Rob and Judy Meyer

I realize I am past the deadline but something came up and I am not able to attend in person this evening. I hope my comments are still taken into consideration.

I have fully supported most projects to help maintain our water and have donated thousands of dollars to the Glen Lake Association over the years. That said, I am concerned that much like the failed attempt to mitigate swimmers itch and the recent donation to the Leelanau Sherriff department for a new boat – these are projects that GLA has taken on with little to no impact on actual water quality. With so much of the township already under the protection of the National Park, one has to ask if this places an undue burden on residents (current and future) that will ultimately have no impact. If the township is concerned about water quality then I believe you should continue to focus on point of sale septic inspections and other areas that are proven to have a positive impact on water quality.

Eric Miles

Dear Members of the Empire Township Planning Commission

I am writing in support of the changes to the Empire Township Zoning Ordinance proposed as a Watershed Overlay District. My wife and I reside at 7870 W. Welch Rd., Empire. We have been property owners for 27 years. Our home is located on the south shore of Little Glen Lake.

I have read the Synopsis of Watershed Overlay District Proposal document mailed to Empire Township residents. I believe the proposed changes are reasonable and necessary in order to protect the quality of the water resources in the Glen Lake/Crystal River watershed now and in the years ahead.

Maintaining the quality of our water resources is vitally important to all residents of the Township. Local businesses depend on the natural beauty and cleanliness of the watershed to attract visitors and support their revenue streams. In addition, property values and property tax revenues are highly impacted by and dependent upon maintaining water quality. Of course, it is not just about money. It is impossible to put a price on the color, clarity and beauty of these waters. I applaud the Empire Township Planning Commission for taking action to propose these zoning revisions and it is my sincere hope that the Planning Commission will act favorably to approve these revisions.

Sincerely

David M. Cassard  
7870 W. Welch Rd.  
Empire Mi. 49630

**EMPIRE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**July 20, 2021**

The Empire Township Planning Commission held a regular meeting on Tuesday, July 20, 2021. The meeting was held at the Empire Township Hall.

**CALL TO ORDER:** Dick Figura, Chair, called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Members Present: Dick Figura, Larry Krawczak, Micah Deegan, Erik Foged, Duane Shugart.

Members Absent: None

Staff Present: Tim Cypher, Dana Boomer

**APPROVAL OF AGENDA:** The board briefly discussed the agenda. Figura stated that Paula Figura was not available tonight to discuss broadband. He also stated that he needed to leave after the watershed discussion, and so asked if the PC wanted to continue the Master Plan discussion without him or table that item. **Deegan moved, Shugart seconded to table Master Plan discussion until August. All in favor, motion carried.**

**Motion by Foged, second by Shugart to approve the agenda as amended. All in favor, motion carried.**

**APPROVAL OF MINUTES: Motion by Foged, second by Krawczak to approve the June 15, 2021 Meeting Minutes as presented. All in favor, motion carried.**

**COMMUNICATIONS:** None

**PUBLIC COMMENT:** None

**ZONING ADMINISTRATOR'S REPORT:** Acknowledged the receipt of Cypher's monthly reports for June 2021. Cypher briefly summarized his reports. **Motion by Foged, second by Shugart to acknowledge receipt of the June 2021 reports. All in favor, motion carried.**

**OLD BUSINESS:**

- A. **Watershed Overlay District** – The PC discussed the proposed overlay district. Figura led a brief discussion on conflict of interest. He will be recommending some changes to the PC bylaws regarding conflict of interest, and the PC had consensus to add a conflict of interest line to the monthly agenda. There are three members who own property in the proposed watershed overlay district – it was determined that this did not create a conflict of interest on this issue. The PC then moved on to a discussion of the three remaining places where the PC members had concern with the proposed overlay regulations.

Tony Groves had previously presented thoughts and proposed language amendments (see attached). Groves summarized these and discussed with the PC. He proposes removing confined feedlots and slaughterhouses from the disallowed uses, as those are heavily regulated by other bodies. This would allow all agricultural uses in the proposed overlay. The second issue was the view and vegetative buffer issue, where it was proposed to increase the amount of existing buffers that could be cleared from 20% to 25%. Regarding steep slopes, he proposes adding language that allows the selective



trimming of branches to preserve views, but does not propose increasing the slope percentage that is defined as steep.

**Deegan moved, Shugart seconded to remove the prohibitions against slaughterhouses and confined feed lots from the proposed ordinance.** Krawczak asked if there were other proposed prohibited uses that are already heavily regulated by the state. Cypher and Groves stated that there were. However, the two being proposed for removal would expose the township to liability from the Right to Farm Act, as agricultural activities. In addition, slaughterhouses and confined feed lots would continue to require Special Use Permits, so would not be an automatic approval. **All in favor, motion carried.**

The PC then discussed the shoreline buffer. Cypher asked whether the 25% continues to be too restrictive, and whether the township would prefer to have stricter standards for what vegetation could be planted, while allowing additional removal of trees to allow/preserve view. Deegan stated that he feels even the 33% clearing allowed by the current ordinance is too restrictive, and that he has heard concerns from township property owners who own undeveloped lots and feel that this restriction will decrease the value of their land because it does not allow them to create a water view on the property. Deegan feels it would be better to allow additional cutting, while simultaneously requiring additional planting of lower vegetation. Cypher brought up concerns regarding erosion with the removal of legacy trees. There are a number of concerns related to this issue. The current ordinance proposal is not specific with regards to whether it is allowed to clear more than 25% and then replant with other native vegetation. The PC discussed extensively to develop language that allows the preservation of views while also preserving native vegetation and minimizing turf grass and open sand. Deegan remains concerned with the restrictiveness of the shoreline buffer provisions. Amended language was proposed for Section D.3:

“No more than 25% of the parcel’s shoreline lot width may be planted in turf grass and/or maintained as open sand. The other 75% of the parcel’s shoreline lot width must be planted in native species. These native species would preferably be a mixture of forbs, shrubs, and trees.”

Amended language was proposed for Section D.5:

“The use of pesticides, herbicides, and fertilizers within 30 feet of the shoreline is prohibited.”

**Krawczak moved, Foged seconded to approved the proposed changes to Section D.3 and D.5. Ayes: Krawczak, Foged, Shugart, Figura. Nays: Deegan. Motion carried.**

The PC then discussed the steep slope provisions. Groves clarified that these provisions do not affect agricultural uses, and do not prohibit development. Groves proposed adding “The select trimming of branches to afford views is permitted within areas of natural vegetative cover.” The PC extensively discussed whether the 12% slope provision is reasonable, the proposed language addition, and the allowable removal of vegetation. Deegan remains concerned with the restrictiveness of the steep slope provisions.

**Shugart moved, Krawczak seconded to approve the proposed language addition, and retain the 12% steep slope provision. Ayes: Krawczak, Foged, Shugart, Figura. Nays: Deegan. Motion carried.**

The board and staff then discussed the provisions for low impact development and stormwater run-off. There are provisions to require Soil Erosion permits for all development in this district, and this is a reinforcing provision.

**Shugart moved, Krawczak seconded to recommend to the township board that they approve the Glen Lake-Crystal River Watershed Overlay District regulations as amended tonight. Ayes: Krawczak, Foged, Shugart, Figura. Nays: Deegan. Motion carried.**

The Township Board will not be able to act upon the proposed Zoning Ordinance change until after the Leelanau County Planning Commission has had 30 days to review the proposed ordinance change.

**Deegan moved, Foged seconded to send the Glen Lake-Crystal River Watershed Overlay District regulations as amended tonight to the Leelanau County Planning Commission for review. All in favor, motion carried.**

Figura recommended also sending the documentation provided by Groves and Karner regarding the reasons behind the overlay district to both the township board and the LCPC. The PC had consensus to do so.

**B. Master Plan Review** – Tabled until August by prior motion.

**NEW BUSINESS:**

**A. Pleasure of the Board** – Figura stated that the bylaws should be amended to cover recent changes to the OMA and potentially amend some language regarding conflict of interest. He will be bringing potential changes to the PC at a future meeting.

**PUBLIC COMMENT:** Viktor Theiss, S Dunns Farm Road – He appreciates the effort that the PC has put into the overlay district. He has been involved in protecting the watershed for over 30 years, and thinks that this overlay district will provide major benefits to the township and its population and property owners. Property purchasing, especially around the lakes, is becoming corporatized, and is not necessarily consistent with the values of those who live here and own property here now. The provisions in this ordinance will become very important over time. He is grateful for what the PC is doing. Shugart thanked Theiss for the work that he and others have done already to protect the watershed.

Trisha Denton – Cleveland Township – She seconded what Theiss said, and thanked the PC for their work on the overlay district.

**BOARD COMMENT:** Micah Deegan – He thinks that the process has gone well, and this is doing something for the future. There are a lot of issues to consider.

Dick Figura – He recently read an article regarding the movement of corporations to take over resort properties in other areas of the country, and making them into commercial rental districts versus residential properties. This is likely to come to this area as well.

**ADJOURNMENT:** **Motion** by Krawczak to adjourn at 8:52 pm, Deegan seconded. With no objection, Figura adjourned the meeting.

Respectfully Submitted,

Dana Boomer  
Recording Secretary

**From:** Tony Groves <grovesa@progressiveae.com>  
**Date:** Friday, July 16, 2021 at 9:16 AM  
**To:** Richard Figura <rfigura@figuralaw.com>  
**Cc:** Timothy Cypher <tim@allpermits.com>, Rob Karner <rkarner@leelanau.org>, Jim Dutmers <jdutsfarm@gmail.com>  
**Subject:** Glen Lake Watershed Overlay

Dick,

As a follow-up to the June 15, 2021 public hearing on the Watershed Overlay District (WOD), I offer the following suggestions to address issues raised at the hearing:

### Agricultural Uses

In Section 3-B Development Requirements of the draft WOD (p. 2), confined feedlots and slaughterhouses are listed as non-permitted uses in the watershed. Given the confined feedlots are permitted under Michigan's Right to Farm statute and the fact that slaughterhouses are regulated under Michigan's Groundwater Protection rules (Part 22), I propose that these two uses be deleted from the listing of non-permitted uses in the WOD.

### Shoreline Vegetative Buffer

The loss of natural shoreline vegetation has been found to be a major threat to Michigan's lakes. Section 3-D Development Requirements of the draft WOD requires that a thirty foot wide vegetative buffer be maintained around the lakes and that, within the buffer, not more than 20% of the buffer be cleared (p. 5). To facilitate lake access and unobstructed views, it is proposed that the 20% clearing provision be increased to 25%.

It should be noted that this provision would only apply to existing buffers. If a property does not currently have a shoreline vegetative buffer, the WOD would not require that a buffer be created. The intent of the WOD is to preserve existing vegetative buffers around the lakes.

### Steep Slopes

Section 3-I Development Requirements of the draft WOD addresses steep slopes that include all lands in the watershed with a slope of 12% or greater. As currently drafted, the steep slope provisions of the overlay require that natural vegetative cover be maintained over at least 30% of the parcel and that, to the extent practical, natural vegetative cover be maintained along ridge lines and bluff tops. The intent of this provision is to preserve natural vegetative cover along ridge lines and on bluff tops, both of which are prone to excessive erosion if cleared. That being said, some have expressed concern about how this provision would impact views. To address this issue, I suggest that a sentence be added to the steep slope provisions on page 12 of the overlay that reads: The select trimming of branches to afford views is permitted within areas of natural vegetative cover.

Another issue raised at the hearing is the appropriateness of defining steep slopes as 12% or greater. It should be noted that the steep slope provisions of the WOD do not preclude development of steep slopes in the watershed. Rather, the steep slope provisions would help ensure erosion-prone bluff tops and ridgelines are protected. The 12% steep slope standard for Glen Lake is modeled, in part, after the Crystal Lake Watershed Overlay District that has been in play in the townships around Crystal Lake for over 25 years. In the Crystal Lake watershed overlay, development on slopes 12% or greater is required meet design standards related to density, lot cover, and natural vegetative cover. The lot cover and natural vegetative cover requirements on slopes 12% or greater are nearly identical to the draft Glen Lake overlay. The Crystal Lake overlay becomes more restrictive as slopes increase. Overall, the current Crystal Lake steep slope provisions (and the new slope provisions for Crystal Lake under consideration) are much more restrictive than what is being considered for Glen Lake.

I hope this information proves helpful. I have attached a mark-up of the watershed overlay with the proposed changes highlighted. I plan to attend next weeks meeting of the planning commission to help answer any additional questions.

If you have any questions in the interim, please feel free to contact me.

Tony Groves