

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION

June 4, 2024 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

ZOOM

[https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUx](https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09)
VDMrZz09

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Public Comment (3 minutes)
6. New Business
 - i. Continue Review Zoning Ordinance draft section on the Waterfront, as a category of Special Use Permit and Waterfront Specific Site Plan Review criteria with Waterfront Supplemental Site Development Standards
7. Old Business
8. Set/Confirm Public Hearing Dates
9. Set/Confirm Date of Next Regular PC Meeting- June 18, 2024.
10. Public Comment (1 minute)
11. Planning Commission Comment
12. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying question, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. For the first Public Comment period, there is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to one (1) minute each.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

Article IV Waterfront Regulations

4.1 Intent

The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a fashion to maintain health of these waterways. Thus, owners of waterfront lots and the township have an added responsibility regarding the preservation and protection of these natural resources and water quality.

4.2 Setback Area Regulations

Except as provided herein, no structures (with the exception of a patio/deck, walkway, retaining wall, launching ramps and/or docking facilities including steps) shall be allowed within eighty (80) feet of the Ordinary High Water Mark (OHWM) on Lake Michigan, Lake Charlevoix, and on Susan Lake, and such excepted facilities shall meet the side yard setbacks for the district in which they are located.

- A. One at-grade patio/deck, not to exceed two hundred (200) square feet may be located within the 80-ft. setback following review and approval by the Zoning Administrator to ensure the structure will be installed in a manner which will cause the least negative environmental impact.

- i. No portion of the patio/deck shall be located more than two feet above the natural grade.

4.3 Shore land Protection Strip (SPS)

A Shoreland Protection Strip shall be required on all waterfront lots. The shoreland protection strip shall include all of the land area located within twenty-five (25) to fifty (50) feet of the Ordinary High Water Mark (OHWM), depending on the unique characteristics of the property, of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by inhibiting soil erosion, and by providing a filter for the removal of pesticides, fertilizers and other potential water pollutants. Within the shoreland protection strip, the following developments or use restrictions (A-L below) shall apply:

- A. SPS width defined: Extends twenty-five (25) to fifty (50) feet landward of the Ordinary High Water Mark (OHWM) (581.2 ft.). Extent landward depends upon grade to the waterfront: <10%, SPS=25 ft., 10-25%, SPS=30 ft., 25-35%, SPS=35 ft. and >35% SPS=50 ft.
- B. The Shoreland Protection Strip (SPS) should/shall not be altered more than 20% except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in TBD, unless permitted as part of an approved shoreline landscaping plan or a permit from the Army Corps of Engineers and the State Department of Energy, Great lakes and the Environment.

Commented [C1]: RX: Existing ZO has "community, scenic and recreational values". Why the deletion?

Commented [C2]: RG: should we reference the two overlay districts?

Commented [C3]: RV: NOT ACCESSORY STRUCTURE

Commented [C4]: RX: It was 100 ft on Lake Michigan and Lake Charlevoix. 80 ft on Susan Lake alone. Why the weakening of this important setback? I do not agree to this change.

Commented [C5]: RX: Does the OHWM move when changes are made to the Shoreland Protection Strip? The ZBA voted in majority (I was the dissenting vote) that it did not. We need to decide this important issue and incorporate our decision into the updated ZO. Question is where? Here Or In Definitions?

Commented [C6]: RX: As above.

Commented [C7]: MC: BAD, WHAT ABOUT STEEP SLOP

Commented [C8]: RG: as the SPS functions to not only filter but to stabilize the shoreline should we consider including the methodology that Tip of the Mitt uses to calculate shoreline protect structures, which include an assessment of the shore, the wind and waves and fetch?

Commented [C9]: RX: This is not clear. Is it meant that only the strip between 25 and 50ft is included? Or that it the land between the OHWM and either 25 or 50ft? or something in between? This whole section demands care and detailed discussion.

Commented [C10]: MM: the actual size of the SPS will vary with the contour of the land, the type of soil, and the location of the lake (is the shoreline facing the prevailing winds, is it sandy or rocky?) These factors affect the ability of the SPS to protect the lake.

Commented [C11]: RX: although this somewhat explains the questions answered above; should "width" be replaced by "depth"? Is this width or depth measured along the shore or horizontally? In any case this section means that in the vast majority of instances SPS is halved in size from the

Commented [C12]: RX: Shall

Commented [C13]: DB: I think this needs to be reviewed/revised again by the board now that we have clarification from the ZBA and LuAnne Kozma's Interpretation hearings.

Commented [C14]: RV: SHALL

C. For any new construction or renovation of a structure located on a waterfront lot, the establishment, restoration and/or maintenance of a Shoreland Protection Strip (SPS) shall be required. Refer to Section 5.4, for details on the waterfront development approval process.

Commented [C15]: RV: WITHIN 250FT OHWM

Commented [C16]: RG: 4.4

Commented [C17]: RX: Is a channel a structure? Does the shoreland protection strip and its associated regulations preclude the excavation of a channel? The ZBA voted in majority that it did. Again, we need to discuss, make a discussion and incorporate that discussion into the text.

D. Shoreline retaining structures shall be permitted with appropriate agency approvals. Any alterations of, or damage to, the SPS requires restoration as described in this ordinance.

E. Walkways or stairs for water access shall be allowed, provided they:

I. Do not exceed six (6) feet in width;

II. Are constructed in such a way that stormwater is slowed;

III. Permeable material required;

IV. Are not constructed in such a way that they expand the deck beyond the two hundred (200) square foot maximum;

Commented [C18]: RX: permeable material or construction required.

Commented [C19]: RV: VISUALS

Commented [C20]: MC: WHY DO WE CARE, AT BEST EX: 120 SQFT

Commented [C21]: RG: In the SPS

F. The use of pesticides, herbicides and fertilizers is prohibited.

G. Leaves, grass clippings and similar yard/garden waste may not be burned or stored.

H. No septic tanks or septic field filtration fields shall be located within the Shoreland Protection Strip.

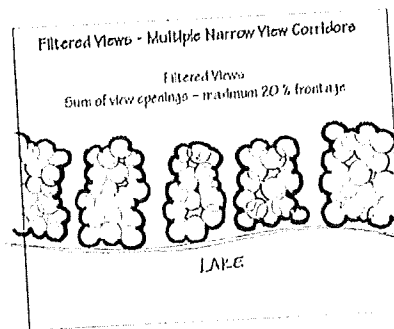
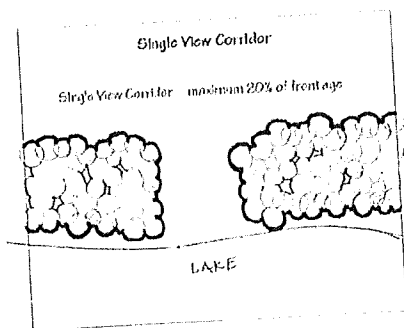
I. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the Shoreland Protection Strip. Please refer to the list of recommended native species by the Northwest Michigan Invasive Species Network. The list of recommended native species is available at the Township Hall and an electronic link is posted on the Township website. If trees are removed, root systems should be left in place for shoreline stabilization whenever possible.

Commented [C22]: RV: APPENDIX TO ORDINANCE

Commented [C23]: RX: Shall be left in place for shoreland stabilization. (Delete "whenever possible").

Commented [C24]: RG: repetitive with K.

J. When trees are trimmed for vistas of the water, the tree must remain viable. Some examples of tree trimming or removal to provide vistas follow.



- K. Selective trimming of trees to allow for filtered views is permitted within the Shoreland Protection Strip as long as the overall health of the tree is not compromised and is not included in the allotted 20% removal.
- L. The removal of invasive species is both allowed and encouraged. Please refer to the list of invasive species by Northwest Michigan Invasive Species Network. The list of recommended invasive species is available at the Township Hall and an electronic link is posted on the Township website.
- M. It is a violation of the zoning ordinance to alter or disturb in excess of 20% of the Shoreland Protection Strip (SPS) except to remove dead trees or shrubs, remove invasive species, or for selective trimming of trees as permitted in 5.3. If altered or disturbed, the following corrective measures including the development of an approved shoreline restoration plan is required, which includes:
- I. Any and all fill material placed within the Shoreland Protection Strip shall be removed. Only soil and rocks, consistent with the composition of the preexisting on site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited.
 - II. The Shoreland Protection Strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed, whenever practicable.
 - III. All required replanting shall be replanted with native species as recommended by the Northwest Michigan Invasive Species Network.
 - IV. Where native shoreline vegetation does not exist, a combination of native vegetation shall be introduced in a naturalized planting pattern as exemplified by neighboring shorelands that have not been disturbed.

Commented [C25]: RG: replanting with approved plants after removal?

Commented [C26]: RG: 4.3

Commented [C27]: MM: I think this is repetitive. A summary of all is these points are in letters B-I. It's not helpful to have this much detail.

4.4 Waterfront Development Review

- A. Intent

It is the intent of the Waterfront Development Review process described below to promote the gradual, systematic, and long-term restoration of the Shoreland Protection Strip (SPS).

- I. In an attempt to increase compliance with the waterfront regulations described in Art TBD, an added layer of review is required for all residential waterfront development and any modifications to the Shoreland Protection Strip. This added layer of review requires a Shoreline Landscaping Plan (TBD.B) in most instances for the area within twenty-five (25) to fifty (50) feet of the Ordinary High Water Mark and Shoreline Landscaping Plan Review for all new residential waterfront dwelling units or alterations as described in section TBD.
- II. For the area of land waterward of the Ordinary High Water Mark, EGLE and/or Army Corps of Engineers permits must be obtained for any construction or changes since the alteration of the shoreline will have significant effect on the Shoreland Protection Strip, and thus the health of the water body.
- III. An advisory Subcommittee of the Planning Commission has been created to review waterfront shoreline landscaping plan development and facilitate, as much as possible, compliance with waterfront provisions in this section. The subcommittee is empowered to suggest that compliance with the intent of Article V is met even if it includes modifications of the plantings or dimensional guidelines as presented by the owner or landscaper, when the entirety of the plan and its effect on improving water quality is considered. The requirements placed on property owners will be in proportion to the proposed activity.

Commented [C28]: RG: IV (1-3)

B. Shoreland Landscaping Plan

The purpose and intent of the Shoreland Landscaping Plan is to increase water quality protection whenever possible and that waterfront development will not negatively impact water quality.

- I. The Landscaping Plan shall address the conditions set forth in Art TBD.
- II. Prior to receiving a zoning permit to build or increase the footprint of a waterfront structure, an approved Shoreland Landscaping Plan with the following information is required:
 1. A detailed inventory of the existing Shoreland Protection Strip area, including the locations of trees, shrubs, and ground cover, with notes as to the locations of native and non-native species.
 2. A detailed inventory of all structures within eighty (80) feet of the Ordinary High Water Mark.
 3. A detailed inventory of planned changes to the Shoreland Protection Strip area, including tree removals and/or plantings, vegetation removal and/or plantings (if applicable).

Commented [C29]: RX: Does this mean that the Zoning Administrator, the PC have flexibility in the application of Z rules and in associated rulings in compliance? I think this needs clarification and/or detailed discussion. I don't see how you can have regulations and then say "let's discuss what you can do". I appreciate what you're trying to say but do we have regulations or not? (At the ZBA, Ron VanZee stated that he does not have flexibility in administering the ZO.)

C. Shoreland Protection Subcommittee

To ensure the compliance with the intent and purpose of the waterfront provisions in this section, a Subcommittee of the Planning Commission will meet to review waterfront development proposals which require a shoreline landscaping plan, and to provide input and recommendations to the zoning administrator and/or planning commission.

- I. Members of the Subcommittee shall include two (2) members of the Planning Commission and as needed consultation by a representative from an organization with technical expertise on aquatic ecosystem management.
- II. Each member of the Subcommittee shall be appointed by the Planning Commission chairperson to a term that coincides with their regular planning commission term.
- III. The Subcommittee is advisory only, reports directly to the Planning Commission, and does not have the authority to make final decisions. All final decisions are made by the planning commission at a meeting of the Planning Commission as a whole and are based on materials submitted, and the recommendations of the Subcommittee and Zoning Administrator. Upon acceptance and approval of the Shoreline landscaping plan by the Planning Commission the Zoning administrator may issue a zoning permit if his/her decision is that the project otherwise meets the criteria for granting a zoning permit.
- IV. The following table summarizes the information required and the review process for residential development on waterfront properties:

Location	Triggering Actions	Review Process	Data Required
Any Conforming Waterfront Lot	Modification of an existing structure without changing the building footprint.	Administrative Review by the Zoning Administrator	Plot Plan as described in Section TBD.
	Modification of the spatial dimensions of an existing structure (less than 50%) or the addition of an accessory structure.	Administrative Review by the Zoning Administrator with input from the Shoreland Protection Subcommittee	Plot Plan as described in Section XXX, and a Shoreland Landscaping Plan as described in Section XXX.
	A new residential home construction or a major reconstruction (over 50%).	Planning Commission Landscaping Plan Review with input from the Shoreland Protection Subcommittee	Shoreland Landscaping Plan as described in Section TBD, and Landscaping Plan Data required in TBD.

Commented [C30]: RX: Agreed

Commented [C31]: RG: Zoning Administrator, or the Planning Commission as Indicated in the table below.

Commented [C32]: RG: decision on the Shoreland landscaping plan are not appealable to the ZBA.

Commented [C35]: RV: WITHIN 250 OHWM

Commented [C33]: RX: define. What about a non-conforming waterfront lot?

Commented [C34]: RV: NONE CONFORMING?

Commented [C36]: RV: DECK 4.2A

Commented [C37]: RX: I believe an accessory structure should be a separate line/section in this table. Accessory structure should be subject to a site plan review.

5. Docks and Boat Parking on Lake Charlevoix and Susan Lake

- A. A maximum of one dock (maximum of 8 ft in width) shall be permitted for each waterfront lot, except for properties upon which a marina is permitted by all of the following: the Hayes Township Zoning Ordinance, the Michigan Department of

Commented [C38]: RX: I have search but failed to find any mention of marinas in our ZO. We need to add and include definition of permit and approval process. What restricts should/can we apply to marinas?

Environment, Great Lakes and the Energy (EGLE), and the U.S. Army Corps of Engineers (USACE).

- A. One shared dock serving two (2) adjacent waterfront parcels owned by separate individuals, may be placed on the common shared property line upon filing with Hayes Township a letter of agreement signed by both property owners.
 - B. A shared dock for a multiple family development, such as Planned Unit Development or Condominium project, may be allowed as part of a site plan approval with Planning Commission approval and subject to the requirements of Section TBD Limitation of Funnel Development.
 - C. Any boat moored at or stored on a lot within any residential district shall be owned by and registered to an individual living at said property. Undocked boats may be stored on a residential lot so long as the Shoreland Protection Strip is not disturbed and is in conformance with the requirements of this ordinance.
 - D. Each dock, mooring anchor, or other means of non-temporary anchorage shall be located at least fifteen (15) feet from the riparian boundary and moored boats shall not cross the riparian boundary. The one exception to this provision is for shared docks as described in TBD and TBD.
 - E. ~~Deck lighting for safety and navigational purposes are allowed. All lighting should be white, blue, or yellow. Red, green or flashing lights are not allowed. The maximum light height does not exceed four (4) feet, above the dock surface. Coast Guard Regulations/Army Corp; Matt Cunningham and Steve Bulmann will research; 'Dock lighting for safety purposes is under the prevue of....'~~
 - F. Any damage caused to the Shoreland Protection Strip during the process of installing, removing or storing seasonal docks, shall be repaired within 30 days from the date that the property owner is notified by first class mail.
 - G. All permits required by EGLE USACE, Hayes Township, and other applicable entities must be obtained prior to the construction or modification of docks or marinas.
6. Limitation of Funnel Development
- Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit, including any dwelling unit located on the waterfront lot, shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the Ordinary High Water Mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.

Commented [C39]: RX: Insert "such storage" after "and"

Commented [C40]: MC: NO STRAIGHT ANSWERS FROM CORP SHALL BE LIGHTED, SHOULD NOT INTERFERE WITH NAVIGATION.

7.

Marine Sewage Pump-out Facility

Commented [C41]: RV: ?

Any commercial dock facility providing dockage for boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a local health department approved sewage disposal facility, or have a written service agreement in place by a licensed or permitted pump-out facility.

8.

Public Access Sites

Land abutting a lake or stream, which land is under the possession and control of a governmental agency including Hayes Township, the County of Charlevoix, the Charlevoix County Road Commission, the State of Michigan, or other governmental agency, and which governmental agency allows public access across the site to the lake or stream abutting the site, is herein described as a "Public Access Site." Such Public Access Sites may be owned or leased by the public agency, or dedicated to the use of the public, but shall, in any case, be under the exclusive control of one or more public agencies which have the authority to impose regulations and restrictions upon the use of the site and upon access to the abutting lake or stream.

The restrictions of this Article ~~(TBD)~~ as much as possible shall, not except as to allow for concentration of activities, apply to a "Public Access Site", as above described, provided that such sites are subject to governmental control enabling the controlling governmental agency to limit boat docking, moorage and boat launching, prohibit overnight mooring, camping, vehicle parking, and other controls upon use of the site.

Commented [C42]: RG: IV

Commented [C43]: MM: This sentence is very confusing. suggest the following rewording; delete "except as to allow for concentrations of activities" Its not clear what this was supposed to refer to???

The governmental agency shall have the authority to impose such controls and restrictions upon the use of Public Access Sites and the abutting waters as are deemed necessary to protect the lake or stream and adjoining properties from pollution, congestion, other damage, or unreasonable impositions upon the use and enjoyment of others using the site, using other private property in the proximity of the site, or the waters which the site abuts.

If not otherwise prohibited by law, the Hayes Township board shall also have the authority to pass ordinances and adopt rules restricting the use of such Public Access Sites and the use of the abutting lake or stream in such manner as is deemed necessary in the future to protect the lake or stream, the users thereof, and properties in the proximity thereof from pollution, congestion, other damage or unreasonable imposition upon the use and enjoyment of others. Such ordinances may designate different rules, regulations and restrictions for each individual Public Access Site as shall be deemed appropriate for the protection of the particular site, the waters, or private property in the proximity of the particular site.

Commented [C44]: MM: this is more legal gobledgego! don't know who drafted this, but it needs to be rewritten ordinary people can understand it I THINK it means that the township can add further restrictions and rules to protect the properties next to the public access site.

DRAFT

Special Use Permit (Section TBD) Shoreland Landscaping Plans for SPS

The shoreland landscaping plans shall illustrate the following features and information, unless waived by the planning commission for good cause:

- a. North arrow, scale and date of submission;
- b. A vicinity map;
- c. The zoning classification of the subject parcel;
- d. The location of existing or proposed lot lines and the dimensions of the same;
- e. The location of the ordinary highwater mark, the 80' setback and the proposed depth of the SPS;
- f. A grading plan showing finished contour lines at a minimum interval of 2 feet and correlated with existing contours;
- g. A detailed description of the measures to control soil erosion and sedimentation during and after the creation of the SPS;
- h. The location and type of significant vegetation including trees with a diameter of 8 inches or greater. The proposed trimming, replanting and addition of trees including the root systems left in place;
- i. The locations of existing water courses, water bodies including county drains, manmade surface drainage ways and wetlands;
- j. A list of all invasive species to be removed and their locations;
- k. The location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at planting must be indicated. All existing vegetation that is compatible with the list of approved plants must be indicated. All plantings must be selected from the list recommended species by the Northwest Michigan Invasive Species Network;
- l. Any shoreline retaining structures permitted by the appropriate agency approval for the waters involved;
- m. No septic tanks or septic drain fields shall be located within the Shoreline Protection Strip.
- n. Location and size of proposed deck, limited to 200 square feet, any walkway not to exceed six feet in width and made of permeable material and a maximum of one dock of 8 ft in width or less, on the waterfront lot and is it located at least fifteen feet from each side lot line.

Supplemental Site Plan Criteria

TBD Shoreline Protection Strip/Shoreland landscaping plans

The establishment, modification or repair of a required shoreline protection strip is part of the commitment to maintaining and improving the quality of the waters in the township. The shoreland landscape plan must include sufficient information to evaluate the unique needs of each parcel's shoreline protection. The shoreland landscape plan shall require all of the following criteria:

- A. A plot plan of the area from the Ordinary High-Water Mark (OHWM) to 50' landward showing elevation at 2' intervals. The width of the required shoreline protection strip will be determined primarily by the slope and soils type. Shoreline Protection Strip drawings, which must be designed by a Landscape Architect, engineer or equivalent, details the SPS at a depth of 25 feet – 50 feet from the Ordinary High-Water Mark (OHWM) of 581.2 feet. The extent landward depends upon grade to the waterfront: <10%-SPS = 25 ft., 10 – 25% SPS = 30 ft., 25 – 35% SPS = 35 ft. and > 35% SPS = 50 ft.;
- B. The location of existing or proposed lot lines and the dimensions of the same;
- C. A grading plan showing finished contour lines at a minimum interval of 2 feet and correlated with existing contours;
- D. A detailed inventory on location of all structures within 80' of the OHWM;
- E. The location and type of significant vegetation including trees with a diameter of 8 inches or greater. The proposed trimming, replanting and addition of trees including the root systems left in place. An inventory of existing plants and trees shall be submitted with photographs to show existing Shoreline Protection Strip area. Natural vegetation cover will be maintained to provide protection from erosion and provide filtration for the lake or stream frontage within the entire waterfront greenbelt area. Invasive plant species should be removed, as listed by Tip of the Mitt or the Northwest Michigan Invasive Species Network. Plants selected for planting must comply with the species approved list from the aforementioned agencies.
- F. Plans for trimming, replacing or additions, Trees may be cleared for a view corridor, or selective trees removed to provide for a filtered view throughout the frontage. Trees and shrubs marked for removal should be cut flush with the ground and stumps not removed.
- G. Location and size of proposed deck, limited to 200 square feet, any walkway not to exceed six feet in width and made of permeable material and a maximum of one dock of 8 ft in width or less, on the waterfront lot and is it located at least fifteen feet from each side lot line.
- H. No septic tanks or septic drain fields shall be located within the Shoreline Protection Strip.
- I. Any activity which occurs at the OHWN or beyond must have permits from USACE and or EGLE including retaining structures
- J. Report from the Shoreland Protection Subcommittee of the Planning Commission if required.

Shoreline Protection Strip Site Plan Review

3/11/24 revision

The waterways and lakes are invaluable assets to our quality of life and should be preserved in a natural fashion. Below are the essentials for reviewing the design of the required Shoreline Protection Strip. Also referred to as (SPS)

- A. Is this new structure construction with establishment of SPS, restoration or maintenance of an existing Shoreline Protection Strip? (SPS)
- B. All structures on the property must meet the 80-foot setback requirement from the OHWM (581.5 ft). One at-grade deck of 200 square feet or less and one walkway of 6 feet wide or less built of permeable material are allowed in the SPS.
- C. The Shoreline Protection Strip drawings, which must be designed by a Landscape Architect or equivalent, details the SPS at a depth of 25 feet – 50 feet from the Ordinary High-Water Mark (OHWM) of 581.2 feet. The extent landward depends upon grade to the waterfront:
<10%-SPS = 25 ft., 10 – 25% SPS = 30 ft., 25 – 35% SPS = 35 ft. and > 35% SPS = 50 ft.
- D. Shoreline retaining structures are permitted with approval of required government agencies, including the Army Corp of Engineers, EGLE, etc. Permits must be applied for if plans include a retaining structure.
- E. An inventory of existing plants and trees shall be submitted with photographs to show existing Shoreline Protection Strip area. Natural vegetation cover will be maintained to provide protection from erosion and provide filtration for the lake or stream frontage within the entire waterfront greenbelt area. Invasive plant species should be removed, as listed by Tip of the Mitt or the Northwest Michigan Invasive Species Network.
- F. Trees may be cleared for a view corridor, or selective trees removed to provide for a filtered view throughout the frontage. Trees and shrubs marked for removal should be cut flush with the ground and stumps not removed.
- G. Any natural vegetation removed should be replaced with like what existed prior to removal. Restoration of a SPS should include the planting of native, deep rooted plants and shrubs.
- H. Significant trees (8 inches and larger in diameter measured at four-foot height) should be preserved.

I. No alterations will be made to the area between the Ordinary High-Water Mark 581.5 and the water's edge without permits from EGLE and / or Army Corp of Engineers.

J. No septic tanks or septic drain fields shall be located within the Shoreline Protection Strip.

K. A maximum of one dock of 8 ft in width or less, on the waterfront lot and is it located at least fifteen feet from each side lot line.

L. The remaining trees and shrubs may be trimmed to create filtered views to the water from the property. Pruning and removal activities may be inspected at the discretion of the Zoning Administrator.

M. Dead trees or trees that could cause a hazard may be removed but the stumps shall not be removed.

Hayes Township
**Shoreline Protection Strip
Application**
Revised 3/4/24

Date: _____

General

Applicant: _____

Address: _____

Telephone: _____ Cell: _____ Email: _____

Property Information and Purpose of Application

Restoration or Establishment of SPS?

Address of Property:

Property Tax ID: (15-007-_____ Parcel Size: _____

Water Frontage Width: _____

Property Description: _____

*** I hereby grant permission for members of Hayes Township, Township Board, Planning Commission and Staff to enter the property described in this request for the purpose of gathering information related to this application. (Note to applicant) This is optional and will not affect any decision on this application.

Owners Signature: _____

Reviewer Signature and Recommendation:

Approval Standards

1. The proposed alterations within the SPS area comply with all requirements of Section 3.14 – 3 SPS of Hayes Township Zoning.
2. The proposed alterations within the SPS area will not create a significantly adverse impact on fish, birds, wildlife, native vegetation, and general water quality.
3. The proposed alterations within the SPS area will not create a significantly adverse impact on water quality by increased erosion and sedimentation going into the water.

4. The proposed alterations within the SPS area will not have a significantly adverse impact on the natural character and aesthetic value of the shoreline and on the visual impact of the development.

Application Requirements Checklist

1. Two (2) complete sets of plans for Zoning Administrator review and eight (8) complete sets for Planning Commission review. The SPS drawings must have the name, address, professional status, license number (if applicable), and phone number of the person detailing the drawings.
2. Show placement of any buildings or other structures, delineates a perimeter line encompassing all proposed activities, identifies the location and extent of the SPS boundary, and proposed land changes including plantings.
3. All shoreline types and coastal resources, including but not limited to, bluff ridges, wetland boundaries, ordinary high-water mark, existing vegetation inventory (trees, shrubs, and ground cover, including a written list of species trees, shrubs, and ground cover, with notes as to the locations of native and non-native species) are identified and submitted with the SPS application.
4. All trees 8" and larger in diameter at 4.5 feet above ground are shown on a map, and will include the species, diameter, and condition.
5. A plan for pedestrian walkways to the lakefront, detailing construction and maintenance of paths, stairs, or boardwalks.
6. Detailed drawings and descriptions of the following:
 - a. temporary and permanent soil erosion and sedimentation control measures, including bank stabilization measures.
 - b. delineation of the SPS alteration area before and during development activities, with area calculations and descriptions of vegetation to be removed and descriptions of proposed vegetation replacement for these areas.
 - c. location of existing structures on the propertyAll drawings will also have the name, address, professional status, license number (if applicable) and phone number of the person who prepared the plan, the date of the original drawing and the date of the most recent revision.
7. Photographs of the existing SPS and the proposed waterfront SPS area showing all tree and shrubs marked for removal. Upon completion of the project, photographs of the waterfront SPS altered.

Comments: _____

With a **greenbelt**, it's easy being green

With a good building setback and your favorite native plants for lakescaping, a shoreline greenbelt is a great way to beautify your shoreline, protect your property values, and protect water quality. A greenbelt is a buffer of native vegetation between the water's edge and your lawn. Shoreline greenbelts with native plants reduce erosion by stabilizing the soil and slowing runoff, filter nutrients, sediments, and other pollution, and provide valuable wildlife habitat. A shoreline greenbelt that will provide the most water quality benefits should cover 75% of the shoreline frontage (e.g. 75 feet of a 100 foot property) and extend landward a minimum of 20 feet. One quick and easy way to get a shoreline greenbelt started is to create a "no-mow" zone. Native grasses and wildflowers are some of the first plants to appear. You can enhance your greenbelt with a variety of native plants from a local nursery.

Infiltrate your lakeshore

Building a new home often results in an increase of impervious surface on your shoreline property, such as roofs, driveways, patios, and walkways. Impervious surfaces are mostly constructed surfaces where rainwater cannot infiltrate the impenetrable materials. Reducing the total area of impervious surface allows rainwater to better percolate into the soil, filtering out sediments, nutrients, oils, and other contaminants that may be collected in stormwater runoff. Improved rainwater absorption reduces the volume and velocity of runoff that heads toward the lake, and therefore minimizes or prevents shoreline erosion. Improved rainwater infiltration also helps to replenish your ground water and source of drinking water. Alternatives to traditional impervious surfaces include porous asphalt or concrete, permeable pavers, or crushed stone on driveways and walkways.

Did you know?

Installation of **native landscaping costs 48% less** than traditional landscaping. In a traditional landscape, the frequency and intensity of mowing, turf maintenance, weeding, and early plant replacement initially keeps costs in the same general area as a new native landscape. However, after about 5 years the stresses of herbicide application, shrub and tree mortality, and other aging syndromes of a landscape that does not renew itself results in greater maintenance costs than for sustainable or native landscapes. (Source: Conservation Design Forum, Inc., Elmhurst, IL)



Tip of the Mitt Watershed Council

426 Bay Street
Petoskey, MI 49770
(231) 347-1181
www.watershedcouncil.org

Funding provided by CHARLEVOIX COUNTY COMMUNITY
FOUNDATION

APPENDIX

1. PLANT MATERIAL - MINIMUM SIZED - MAXIMUM SPACING

- a) Plant material shall not be closer than four (4) feet from the fence line or property line, except for vines intended to attach to fence structures.
- b) Where plant materials are installed in two or more rows, planting shall be staggered to provide for maximum screening.
- c) Minimum plant sizes permitted and maximum on-center spacing in any required greenbelt shall be as follows:

General Plant Types	Maximum Spacing Center to Center (feet)		Minimum Allowable Size		
	<u>Single Row</u>	<u>Grouping</u>	<u>Hgt.</u>	<u>Cal.</u>	<u>Sprd.</u>
TREES					
Large Deciduous (Canopy)	30	40	-	2½"	-
Large Evergreen	15	20	7'	-	-
Medium-Small Deciduous	10	15	-	1½"	-
Columnar Deciduous	8	10	10'	-	-
Narrow Evergreen	5	8	8'	-	-

SHRUBS					
Large: Upright Spreader	4 6	6 8	4' -	- -	- 3'
Medium: Upright Spreader	3 4	4 6	3' -	- -	- 2'
Small: Upright Spreader	1½ 1½	2 2½	18" -	- -	- 15"
Conical	2	3	2'	-	-

2. SUGGESTED PLANT MATERIALS

a) Trees

- 1) Large Deciduous (Canopy):
Oak, Linden, Hard Maple, Beech, Ash, Birch, Honey locust
(Seedless/Thornless), Ginko (Male Only)
- 2) Large Evergreen:
Pine, Hemlock, Spruce, Cedar, Fir
- 3) Medium-small Deciduous:
Crabapple, Amelanchier, Cherry, Hawthorn (Thornless), Plum, Redbud,
Bradford Pear, Mountain Ash, Amur Maple, Russian Olive, Magnolia
- 4) Columnar Deciduous (Varieties Of):
Crabapple, Oak, Maple, Linden
- 5) Narrow Evergreen (Varieties Of):
Arborvitae, Cedar, Cypress, Yew, Juniper

b) Shrubs

- 1) Large Upright:
Lilac, Forsythia (Var.), Privet, Viburnum (Var.), Dogwood, Honeysuckle,
Sumac, Smoketree, Cotoneaster (Var.), Witch Hazel, Buckthorn Common
Ninebark, Bayberry, Mt. Laurel, Mockorange, Holly, Pyracantha
- 2) Large Spreaders (Varieties Of):
Juniper, Pine, Cotoneaster, Yew

3) Medium Upright:

Burning Bush, Rhododendron, Yew, Quince, Sumac (Var.), Forsythia (Var.), Viburnum (Var.), Barberry (Var.), Holly (Var.), Weigela (Var.), Rose (Var.), Arborvitae (Var.)

4) Medium Spreader (Varieties Of):

Juniper, Yew, Cotoneaster

5) Small Upright:

Azalea, Deutzia, Yucca, Leucothoe, Weigela (Var.), Fl. Almond, Arborvitae (Var.), Rose (Var.), Potentilla, Spiraea, Yew (Var.)

6) Small Spreader (Varieties Of):

Juniper, Yew, Cotoneaster, Spruce, Barberry

7) Conical:

Hinoki False Cypress, Yew (Var.), Arborvitae

3. SECONDARY TREES

- a) The following list of trees are generally not permitted for landscape purposes in areas near buildings, parking lots, utilities, or any other places where the following trees might, create a nuisance or becomes a potential hazard to persons or property

Box Elder	Tree of Heaven	Poplars
Willows	Soft Maples	Catalpa
Elms	Horse Chestnut (nut bearing)	

- b) These Trees May Be Used To:

- Provide windbreaks
- Assist in soil stabilization
- Provide distant screening
- Provide over-story protection for permanent tree seedlings
- Animal Habitat

It must also be shown that any of the above trees, subsequent to installation, will not create safety hazards to any populated areas.

Kozma comments to PC June 4, 2024

LuAnne Kozma <luannekozma@gmail.com>

Tue, Jun 4, 2024 at 12:27 AM

To: Roy Griffiths <rwgriffits3@gmail.com>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Matt Cunningham

<trustee2@hayestownshipmi.gov>, kristin baranski <clerk@hayestownshipmi.gov>, ctmagnetics@aol.com, snyderhpt@outlook.com

Cc: Bill Henne <wm.henne@gmail.com>, Betty Henne <betty.henne@gmail.com>, Jim Rudolph <jmr09799@gmail.com>, Ellis Boal <ellisboal@voyager.net>, Danelle Hutcheon <dhutch3547@gmail.com>, Deborah Narten <dlnarten@gmail.com>, JoEllen <jobee949@gmail.com>, Jerry Simpson <jerrysimpson580@gmail.com>, "McMahon, Jim and Diane" <jim_mcmahon_iii@yahoo.com>, Kevin Willis <kwillisc@yahoo.com>, Shelly VanWart <taxladybayshore@gmail.com>, Janet Simon <simonjanet6969@gmail.com>, Winnie Boal <wlboal@gmail.com>

To: Hayes Township Planning Commissioners

From: LuAnne Kozma

Re: Your special meeting agenda on June 4

Please see my comments from the last meeting, as they were not addressed.

The first thing the PC should do is drop the rewrite of the Zoning Ordinance until after you begin and finish your review of the Master Plan in 2024. You're putting the cart before the horse.

Secondly, the PC made comments at the last meeting about Tip of the Mitt Watershed Council's recommendations that were inaccurate. I attach the organization's comments on the Waterfront Regulations that were given to the Commission back in November 2021. Clicking on the small rectangles on the PDF document opens up a dialog box with the comment or edits. For example, the one below:

Watershed Council

11/16/2021

We appreciate the efforts of the Township

acknowledge the different

characteristics of properties around the

lakeshores, by setting standards for

shoreland protection strips based on

slope. However, simply taking slope into

consideration is not sufficient for the

determination of a shoreland protection

strip. Such methodology fails to take into

account impervious surfaces on site,

infiltration rates, stormwater flow, and

existing vegetation, among other factors.

As a result, you could have a property

owner with a large mansion with a lawn on

a grade less than 10%, and therefore

require only a 25-foot greenbelt. Such a

greenbelt would not be adequate to

handle large quantities of runoff from

extreme impervious surfaces and low

infiltration rates. This homeowner would

still be contributing negatively to the

health of the lake.

Unless the Township intends to assess

each property individually for all the

various factors that impact a shoreland

protection strip, it is best to have one

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preliminary draft article vi 11102021_Watershed Council Comments

Watershed Council 11/16/2021

Comment with a large margin must be on a grade less than 10%, and therefore require only a 25-foot greenbelt. Such a greenbelt would not be adequate to handle large quantities of runoff from extreme impervious surfaces and low infiltration rates. This homeowner would still be contributing negatively to the health of the lake.

Unless the Township intends to assess each property individually for all the various factors that impact a shoreland protection strip, it is best to have one standard for all properties. Otherwise Hayes Township will need to hire a licensed landscape engineer or professional to assess each property and all the various factors such as water flow, infiltration rates, impervious surfaces, and grade. To this end, we recommend the 50-foot requirement remain in place, as it will allow for sufficient protection across variable site conditions, and will serve to increase climate resiliency in the years to come.

SPS width defined:
Ordinary High Water slopes greater than 10% shall range from twenty feet to fifty feet, depending on the unique site conditions to protect the lake by inhibiting fertilizers and other potential pollutants from entering the lake.

SPS=25 f.t., 10-25% slope

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I do disagree with the Tip of the Mitt suggestion that waterfront owners obtain state and federal permits prior to township approval.

Good township ordinances regarding shoreland protection and lake protection are stricter than state or federal, and are looking out for the shore, as well as the lake. For example, there are natural feature setbacks and requirements on the uplands in a Township ordinance, that the state and federal governments cannot and do not regulate. Why would you require waterfront owners to spend hundreds of dollars on a Joint Permit to EGLE and USACE, when the Township zoning permit would not allow the project, before first applying to the Township?

I think Tip of the Mitt and the PC are being short-sighted on that. The whole point of shoreland protection zoning provisions is to "fill the gaps" and protect the lake and the shoreland better than the requirements of EGLE and USACE. The federal and state jurisdiction is below the OHWM (unless there are contiguous wetlands...)
The Township's jurisdiction is both above the OHWM, and below the OHWM for inland lakes and streams (not below the OHWM for Lake Michigan).

Thank you.

LuAnne Kozma

