

Section D: Local Programs, Projects, and Planning

LOCAL GOVERNMENT PLANNING AND ZONING

Land use within a watershed has a significant influence on water quality. In Manistee County, the primary county in which the Greater Bear Watershed is located, the planning department and drain commission as well as District Health Department #10 maintain regulations that affect water quality. Additionally, each township and village within the Greater Bear Watershed can adopt individual plans, zoning requirements, and ordinances that affect watershed resources.

The Manistee County Planning Department administers one ordinance: the Soil and Erosion Control Ordinance that requires a permit and county review for construction on properties within 500 feet of a lake, stream, or wetland, or if the land disturbance is one acre or greater in size. The county drain commission maintains storm water guidelines for site developments within an existing county drainage district or if the site development seeks to connect to a county drain. The District Health Department maintains requirements through the public health code that guide the placement of water wells and wastewater treatment systems, including a requirement that these systems are inspected and in compliance with the code at the time a property is sold.

A comprehensive or master plan is a blueprint or set of long-term goals and policies that a community uses to guide development decisions. A master plan can also be used to assist with special land use and site plan reviews; capital improvement programs; special programs such as economic development, parks, trails, gateway improvements, etc.; and leveraging financial support for community efforts. Zoning is a tool for making master plans a reality. Zoning is regulatory and provides specific enforceable standards. Benefits of zoning include local control over land use decisions, the ability to communicate clear expectations to potential developers based on community needs, and the opportunity for local residents to have input on designing the type of community in which they want to live. Local entities can also pass municipal ordinances under the authority of a municipal charter.

Existing plans, zoning regulations, and ordinances were examined for Arcadia, Bear Lake, Brown, Cleon, Dickson, Maple Grove, Marilla, Onkema and Pleasanton townships using information provided by the Manistee County Planning Department (see Exhibit 62). Since these townships encompass the majority of the population and geographic extent of the Greater Bear Watershed, land use in these townships significantly affects water quality within the watershed. Jurisdictions with less than 5 percent of their jurisdictional boundary within the Greater Bear watershed were not included in this review. Some jurisdictions within the watershed do not have zoning codes filed with the Manistee County Planning Department, including the villages of Bear Lake, Copemish, and Kaleva, and Springdale Township. The Village of Bear Lake has not adopted zoning to control land use, but has passed ordinances that include controls on the use of land within a prescribed area encompassing municipal groundwater supplies. The Village of Kaleva similarly does not have zoning regulations on file with the county planning office, but has adopted ordinances to protect the groundwater sources of its public water supply.

EXHIBIT 62. Status of Planning and Zoning Documents of Jurisdictions within the Greater Bear Watershed

Jurisdiction	% of jurisdiction within watershed**	Zoning Review Conducted	Comprehensive or master plan	Zoning ordinance
Benzie County	<1%		Limited geographic extent – not reviewed	
Colfax Township	4		Limited geographic extent – not reviewed	
Joyfield Township	1		Limited geographic extent – not reviewed	
Manistee County	36%	Yes	NA	NA
Arcadia Township	29	Yes	Under development	Amended May 2010
Bear Lake Township	83	Yes	Adopted 2008	Adopted April 11, 1995; Revised June 21, 2007
Bear Lake Village	100	No Zoning on File with the County Planning Office		
Brethren*	NA	NA	NA	NA
Brown Township	27	Yes	Revised April 2013	Amended May 18, 2005
Cleon Township	85	Yes	Unknown	Amended March 3, 2007
Copemish Village	100	No Zoning on File with the County Planning Office		
Dickson Township	28	Yes	Adopted 2004	Adopted March 20, 1998; Revised June 13, 2007
Kaleva Village	100	No Zoning on File with the County Planning Office		
Maple Grove Township	100	Yes	Revised 2011	Adopted September 13, 1983; Revised September 10, 2007
Marilla Township	54	Yes	Revised March 2013	Amended Oct 21, 2000
Onekema Township	29	Yes	Underdevelopment	July 2008
Pleasanton Township	65	Yes	Not on file—under development	Adopted March 12, 1991; Revised November 18, 2003
Springdale Township	63	No Zoning on File with the County Planning Office		
Wexford County	<1%		Limited geographic extent – not reviewed	
Wexford Township	1		Limited geographic extent – not reviewed	

SOURCE: Public Sector Consultants Inc . using data from MDIT/CGI, & Manistee County Planning Department 2013.

* Brethren is an unincorporated community and is included as part of Dickson Township, Manistee County, Michigan.

NA = Not Applicable.

Water quality is significantly influenced by how and where a community develops and, likewise, as in the Greater Bear Watershed, future growth in the region is likely to be influenced by the quality of its water. Fortunately, communities within the Greater Bear Watershed can plan for growth using planning and zoning regulations in a way that protects water quality. Exhibit 63 provides a brief summary of planning and zoning tools that protect water quality.

EXHIBIT 63. Planning and Zoning Tools to Protect Water Quality

Tool	Description
Joint planning	Storm water management in a watershed basin typically involves cooperation and integration among several municipalities, jurisdictions, and planning agencies. Michigan's Joint Planning Act (Public Act 226 of 2003) authorizes local governments to pull together regional planning entities – Joint Planning Commissions. These commissions facilitate cooperation and coordination by overseeing issues for a region, or a portion of a region, in which they may have an interest such as a business district, watershed, or greenway.
Storm management ordinance	An ordinance intended to minimize the potential adverse impacts on natural resources and water quality from storm water runoff. It can require low-impact development,* soil erosion and sediment control for development projects, and incentives for best management practices.
Mixed-use zoning	Allows residential, office, and retail buildings to be built close to one another, which is typically forbidden in traditional zoning. More intense, compact development works best when different uses are within walking distance, so mixed developments can reduce the amount of land needed per unit. It also supports a range of transportation options and facilitates shared parking, thereby reducing the amount of surface needed for roads and parking lots.
Onsite wastewater treatment system point-of-sale ordinance	An ordinance geared to protect water quality by requiring inspections and, if necessary, upgrades to septic systems at the time of property transfer.
Compact lot size	Allows land to be used more efficiently by building on smaller lots. Smaller lots also mean smaller lawns – large lawns treated with chemicals are a significant contributor to storm water pollution.
Maximum setback	Establishes a maximum distance between buildings and the street. This change encourages more efficient use of space and pedestrian friendliness.
Open space planned unit development (PUD) and non-contiguous PUD	Allows local governments to approve a PUD that preserves open space, whether it is connected or not to the rest of the PUD.
Purchase of development rights (PDR)	Allows municipalities, individuals, and organizations to purchase just the rights to develop (or not develop) a piece of land, as opposed to buying the land outright. PDR is currently available at both the state and local government level; conservancies and land preservation groups can provide more information about these programs.
Urban service district	Municipalities use urban service districts to define the edge of a community by limiting the extension of urban infrastructure. This encourages growth in areas with existing and adequate infrastructure while discouraging growth in undeveloped and environmentally beneficial areas.
Watershed alliance	Public Act 517 of 2004 allows two or more municipalities, by resolution of their governing bodies, to establish a voluntary watershed alliance to study problems and to plan and implement activities designed to address surface water quality or water flow issues.
Form-based code	A method of regulating development to achieve a specific form – including the relationship of buildings to each other, to streets, and to open spaces – rather than allowing a certain use. “Design is more important than use” is the underlying philosophy behind the form-based code.

SOURCE: Public Sector Consultants Inc., 2007.

*Low-impact development (sometimes called low-impact design) includes a series of techniques that equip developments to mimic natural storm water filtration, managing rainfall at the source using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source; tree planting, green roofs, and rain gardens are commonly used techniques.

In order to determine the extent of environmental provisions in place, zoning ordinances were reviewed in the nine primary townships to help determine regulatory coverage for protection of aquatic resources within the Greater Bear Watershed (see Exhibit 64).

EXHIBIT 64. Water Quality Protection Regulations in Zoning Ordinances within the Greater Bear Watershed

Water quality protection regulation	Arcadia Township	Bear Lake Township (excludes Bear Lake Village)	Brown Township
Minimum parcel size	<ul style="list-style-type: none"> • Agricultural areas: 2 acres • Residential agriculture areas: 1 acre 	<ul style="list-style-type: none"> • Residential areas: 20,000 ft.² • Commercial areas: 40,000 ft.² 	<ul style="list-style-type: none"> • Big Manistee Corridor District: 10 acres • Agricultural areas: 10 acres • Residential recreation areas: 10 acres • Residential areas (R-1): 140,000 square ft.
Minimum parcel width	<ul style="list-style-type: none"> • Agricultural areas: 175 ft. • Residential agriculture areas: 132 ft. 	<ul style="list-style-type: none"> • Residential areas: 100 ft. • Commercial areas: 150 ft. 	<ul style="list-style-type: none"> • Big Manistee Corridor District: 330 ft. • Agricultural areas: 330 ft. • Residential recreation areas: 330 ft. • Residential areas (R-1): 150 ft.
Minimum buildable area	Not addressed	Not addressed	Not addressed
Maximum percentage developed or open space	Not addressed	Not addressed	Not addressed
Setbacks from water	<ul style="list-style-type: none"> • Residential areas: 50 ft. from surface water 	<ul style="list-style-type: none"> • Residential areas: 50 ft. (In some cases - the average distance from the water's edge of the four nearest neighboring structures of a type similar to the proposed structure, whichever is less.) • Commercial areas: 300 ft. from the water's edge of any lake, stream, creek, river, or wetland area. 	<ul style="list-style-type: none"> • 200 ft. from surface water
Surface water buffer	<ul style="list-style-type: none"> • 10 ft buffer required. Removal of root structure prohibited 	<ul style="list-style-type: none"> • Within the setback area not more than 10% of vegetation can be removed in a five-year period. 	<ul style="list-style-type: none"> • 50 ft. buffer required. Not more than 10 % of vegetation can be removed.
Wetlands	<ul style="list-style-type: none"> • Not addressed 	<ul style="list-style-type: none"> • Residential areas: 50 ft. (In some cases - the average distance from the water's edge of the four nearest neighboring structures of a type similar to the proposed structure, whichever is less.) • Commercial areas: 300 ft. setback 	<ul style="list-style-type: none"> • Cannot be included in buildable area provisions for districts

Water quality protection regulation	Arcadia Township	Bear Lake Township (excludes Bear Lake Village)	Brown Township
Groundwater protection/ hazardous waste	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Businesses and facilities which use, store or generate hazardous substances in specified quantities must comply with state and federal requirements 	<ul style="list-style-type: none"> Required provisions for businesses or facilities that generate or use hazardous substances.
Waste accumulation /outside storage	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> No accumulation of rubbish or waste materials of any kind without a permit. No sewage, wastewater or water containing foreign substances shall be deposited or drained into any open ditch, creek stream, lake, pond, or other body of water without approval from state and county health authorities. 	Not addressed
Storm water	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> No storm water runoff resulting from site development shall be allowed to collect unless part of a properly managed water retention system or natural wetland. 	Not addressed
Planned unit development	Included	Included	Included
Other	<ul style="list-style-type: none"> NA 	<ul style="list-style-type: none"> Keyhole Waterfront Access—allows for shared ownership of parcels adjacent to lakes. 	<ul style="list-style-type: none"> NA

SOURCE: Public Sector Consultants Inc., & Manistee County Planning Department 2013.
 Note: This review focused on ordinances of relevance to the Greater Bear Watershed. Some jurisdictions have additional requirements applicable to districts outside of the watershed such as the unincorporated village of Arcadia in Arcadia Township.

Water quality protection regulation	Cleon Township	Dickson Township	Maple Grove Township (excludes Kaleva)
Minimum parcel size	<ul style="list-style-type: none"> Residential recreation areas: 5 acres R-2 Residential areas: 1 acre Forest and recreation areas: 10 acres 	<ul style="list-style-type: none"> Big Manistee River Corridor (BMRC): No buildings on parcels less than 10 acres Ag-Res: No buildings on parcels less than 60,000 ft.² 	<ul style="list-style-type: none"> Forest & Ag areas: 5 acres Residential: 2.5 acres

Water quality protection regulation	Cleon Township	Dickson Township	Maple Grove Township (excludes Kaleva)
Minimum parcel width	<ul style="list-style-type: none"> Residential recreation areas: 330 ft. R-2 Residential areas: 150 ft. Forest and recreation areas: 330 feet 	<ul style="list-style-type: none"> BMRC: 330 ft. Ag-Res: 150 ft. 	<ul style="list-style-type: none"> 165 ft. of road frontage
Minimum buildable area	Not addressed	BMRC & Ag-Res: 15,000 ft. ²	Not addressed
Maximum percentage developed or open space	Not addressed	Not addressed	Not addressed
Setbacks from water	<ul style="list-style-type: none"> 100 ft. from surface water 	<ul style="list-style-type: none"> 100 ft. from water's edge. 	<ul style="list-style-type: none"> All districts: 45 ft. setback from nearest high water of stream, lake, or wetland.
Surface water buffer	<ul style="list-style-type: none"> 25 ft. buffer required 	<ul style="list-style-type: none"> 10 ft. vegetated buffer required. 	<ul style="list-style-type: none"> All districts: 45 ft. setback requires at least 10 ft. of greenbelt along stream lake or wetlands area.
Wetlands	<ul style="list-style-type: none"> No construction within 100 year floodplain 	<ul style="list-style-type: none"> BMRC: buffer strip requirements include wetlands 	<ul style="list-style-type: none"> Forest: No construction allowed on wetlands or flood plains unless permitted by the Michigan Department of Environmental Quality.
Groundwater protection/ hazardous waste	<ul style="list-style-type: none"> Required provisions for businesses or facilities that generate or use hazardous substances. 	<ul style="list-style-type: none"> Required provisions for businesses or facilities that generate or use hazardous substances. 	<ul style="list-style-type: none"> Required provisions for businesses or facilities that generate or use hazardous substances.
Waste accumulation /outside storage	<ul style="list-style-type: none"> Unlawful to accumulate waste without a permit 	<ul style="list-style-type: none"> No accumulation of junk without a permit. No sewage, wastewater, or water containing foreign substances shall be deposited or drained into any water bodies unless approved by state and county health authorities. 	<ul style="list-style-type: none"> Not addressed
Storm water	Not addressed	<ul style="list-style-type: none"> No storm water runoff resulting from site development shall be allowed to collect unless part of a properly managed water retention system or natural wetland. 	Not addressed
Planned unit development	Not Included	Included	Included

Water quality protection regulation	Cleon Township	Dickson Township	Maple Grove Township (excludes Kaleva)
Other	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • Big Manistee Corridor District established to "protect the free flowing conditions of the Big Manistee River and Big Bear Creek downstream from Coates Highway." • Central Production Facilities and Sweetening Plants (Oil & Gas): Set-back from surface water and wetlands by 600–1,200 ft. Max. density of not more than one per sq. mile. Brine pits or earthen pits not allowed. Pollution prevention plan must be filed with township, county, and state officials. Effluent must meet or exceed state and federal standards. 	<ul style="list-style-type: none"> • Wellhead Protection Overlay district: additional protections for land surrounding Type I water wells.

SOURCE: Public Sector Consultants Inc., & Manistee County Planning Department 2013.

Note: This review focused on ordinances of relevance to the Greater Bear Watershed. Some jurisdictions have additional requirements applicable to districts outside of the watershed such as the unincorporated village of Arcadia in Arcadia Township.

Water quality protection regulation	Marilla Township	Onekema Township	Pleasanton Township
Minimum parcel size	<ul style="list-style-type: none"> • Residential (R1): 40,000 sq ft • Residential (RP1): 40 acres • Residential recreation areas: 10 acres • Commercial areas: 40,000 sq ft 	<ul style="list-style-type: none"> • Agricultural areas: 1 acre 	<ul style="list-style-type: none"> • Residential Ag (RA-1): 2 acres • Residential (R-1): 20,000 ft.²
Minimum parcel width	<ul style="list-style-type: none"> • Residential (R1): 150 ft • Residential (RP1): NA • Residential recreation areas: NA • Commercial areas: 150 ft 	<ul style="list-style-type: none"> • Agricultural areas: 200 ft. 	<ul style="list-style-type: none"> • Residential (R-1): 100 ft.
Minimum buildable area	Not addressed	Not addressed	Not addressed
Maximum percentage developed or open space	Not addressed	Not addressed	Not addressed

Greater Bear Watershed Management Plan

Water quality protection regulation	Marilla Township	Onekema Township	Pleasanton Township
Setbacks from water	<ul style="list-style-type: none"> 100 ft setback requirement 	<ul style="list-style-type: none"> 40 ft setback requirement 	<ul style="list-style-type: none"> Residential (R-1): 100 ft. from the water's edge of any stream, creek, river or wetlands. Residential (R-1): 25 ft. from the water's edge of any lake.
Surface water buffer	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Within the setback area not more than 10% of vegetation can be removed in a five-year period.
Wetlands	<ul style="list-style-type: none"> Wetlands may not be drained, filled, etc without approval from MDEQ 	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Residential (R-1): 100 ft. setback from any wetlands. Wetlands Overlay District: 100 ft. landward from wetlands; requires that onsite sewage disposal permits be for an upland area; MDNR wetlands permit must be obtained to expand or construct a building.
Groundwater protection/ hazardous waste	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Required provisions for businesses or facilities that generate or use hazardous substances.
Waste accumulation /outside storage	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Unlawful to accumulate waste without a permit 	<ul style="list-style-type: none"> Not addressed
Storm water	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Not addressed 	<ul style="list-style-type: none"> Not addressed
Planned unit development	<ul style="list-style-type: none"> Not Included 	<ul style="list-style-type: none"> Included 	<ul style="list-style-type: none"> Included
Other	<ul style="list-style-type: none"> NA 	<ul style="list-style-type: none"> As of spring 2013 the township is in the process of updating the master plan. Impervious surface limitations for parcels within 500 ft of Portage Lake or its tributaries. This requirement does not include tributaries to Bear Creek. 	<ul style="list-style-type: none"> Keyhole Waterfront Access—allows for shared ownership of parcels adjacent to lakes. Oil and Gas Processing or Sweetening Facilities: 1,300 ft. setback from surface water and wetlands; access roads to facilities setback 650 ft. from surface water and wetlands; max density of not more than one per square mile; bulk storage and tanks must be enclosed in a berm; any effluent must meet state and federal standards.

SOURCE: Public Sector Consultants Inc., & Manistee County Planning Department 2013.
 Note: This review focused on ordinances of relevance to the Greater Bear Watershed. Some jurisdictions have additional requirements applicable to districts outside of the watershed such as the unincorporated village of Arcadia in Arcadia Township.

JOINT PLANNING

As identified above in Exhibit 63, joint planning can be an effective tool to address goals that are broader than the interests of a single community within a region. Portions of the Greater Bear Watershed extend into 16 jurisdictions (see Exhibit 62); the large geographic area and the number of municipalities and organizations that have an interest in and effect on water quality underscore the need for collaborative efforts. The Manistee Alliance for Economic Success is coordinating the Lakes to Land Regional Initiative, commenced in January 2012, to develop master plans and collaborative implementation strategies for one city and several townships in Manistee and Benzie counties. These jurisdictions include Arcadia, Bear Lake, Onekama, and Pleasanton townships in Manistee County; the city of Frankfort; and Blaine, Crystal Lake, Gilmore, and Joyfield townships in Benzie County. This joint planning effort presents an opportunity to take a broader regional approach to protecting watershed resources through planning and zoning.

OTHER AGENCIES AND LOCAL ORGANIZATIONS

A number of local organizations active within the region play vital roles to maintain, protect, and enhance the quality of life, natural resources, and economic vitality of the Greater Bear Watershed. The continued involvement of these organizations will be critical to successful implementation of the Greater Bear Watershed Plan.

In addition to the local units of government discussed in the section above, the following local units of government have portions of the Greater Bear Watershed within their jurisdiction:

- Colfax Township (Benzie County)
- Joyfield Township (Benzie County)
- Arcadia Township (Manistee County)
- Brown Township (Manistee County)
- Cleon Township (Manistee County)
- Copemish Village (Manistee County)
- Kaleva Village (Manistee County)
- Marilla Township (Manistee County)
- Onekema Township (Manistee County)
- Springdale Township (Manistee County)
- Wexford Township (Wexford County)

In addition to local units of government, the following federal, state, and local organizations should continue to be engaged:

- Bear Creek Watershed Council
- Bear Lake Property Owners Association
- Bear Lake Schools
- Bear Lake Watershed Alliance
- Benzie—Leelanau Health Department (serving Benzie County)
- Benzie, Manistee, and Wexford counties
- Conservation Resource Alliance
- District Health Department #10 (serving Manistee and Wexford counties)
- Grand Traverse Regional Land Conservancy

- Kaleva Norman Dickson Schools
- Little River Band of Ottawa Indians
- Manistee County Community Foundation
- Manistee County Road Commission
- Michigan Department of Environmental Quality
- Michigan Department of Natural Resources
- Michigan Department of Transportation
- Natural-resource-based businesses and other area businesses
- Northwest Michigan Council of Governments
- U.S. Department of Agriculture—Forest Service
- U.S. Department of Agriculture—Natural Resource Conservation Service
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service