

Local Programs, Projects, and Planning

LOCAL GOVERNMENT PLANNING AND ZONING

Protecting water quality requires looking at what happens on the land within a watershed. How communities manage their land use has a direct impact on their water quality. Since watershed boundaries cross jurisdictional boundaries, it is important to consider each jurisdictional unit within a watershed while evaluating the effectiveness of local government planning and regulations in protecting water quality.

Five local government units are represented within the Portage Lake watershed: Onekama Township, Bear Lake Township, Manistee Township, Brown Township and the Village of Onekama. Exhibit 9 shows the acreage of each jurisdiction that falls in the Portage Lake watershed and the percentage of watershed area within each jurisdiction. Onekama Township comprises approximately one-half of the watershed area; Bear Lake Township and Manistee Township comprise approximately one-fifth each; Brown Township comprises less than one-tenth, and the Village of Onekama constitutes approximately 2 percent of the watershed area. It is important to note that the Village includes Portage Lake frontage.

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/autonomy over land use decisions, communicating clear expectations to potential developers based on community needs, and an opportunity for local residents to have input on designing the type of community in which they want to live. A review of master plans and zoning ordinances was conducted for each jurisdiction within the watershed. The status or lack of such documents is summarized in Exhibit 58.

EXHIBIT 58
Status of Planning and Zoning Documents for Jurisdictional Units
within the Portage Lake Watershed

Jurisdiction	Comprehensive or master plan (last date of revision or adoption)	Zoning ordinance (last date of revision or adoption)
Village of Onekama	None on record (currently under development)	1990 (revision in progress)
Onekama Township	Adopted 2002 (revision in progress)	Adopted 1991; last revised 2005
Bear Lake Township	Adopted 2002 (Bear Lake Community Comprehensive [Joint] Plan adoption pending)	Adopted 1995; last revised 2007
Manistee Township	Adopted 2001	Adopted 1986; last revised 2006 (revision in progress)
Brown Township	Adopted 1991 (revision in progress)	Adopted 2001; last revised 2005

SOURCE: Public Sector Consultants Inc., 2007.

How and where a community grows has an enormous impact on water quality. Fortunately, a community can plan for growth in a way that protects water quality through planning and zoning. Exhibit 59 provides a brief summary of planning and zoning tools that protect water quality.

EXHIBIT 59
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 the 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 intending 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 best management practice incentives.
Mixed-use zoning	Allows residential, office, and retail buildings to be built close to one another, something traditional zoning forbids. 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.

Tool	Description
Septic 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 sizes	Allows land to be used more efficiently by building on smaller lots. Smaller lots also mean smaller lawns—large lawns treated with fertilizers and chemicals are a significant contributor to storm-water pollution.
Maximum setbacks	Establishes a maximum distance between buildings and the street. This change encourages more efficient use of space and pedestrian friendliness.
Open space planned unit developments (PUDs) and non-contiguous PUDs	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, instead of buying the land outright. PDR is currently available at both the state and local government levels; conservancies and land preservation groups can provide more information about these programs.
Urban service districts	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 alliances	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 codes	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” embodies the underlying philosophy behind the form-based code.

SOURCE: Public Sector Consultants Inc., 2007.

* Low-impact development 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 some commonly used techniques.

Zoning ordinances were specifically reviewed to help determine regulatory coverage for aquatic resources within the Portage Lake watershed, in order to help determine what, if any, environmental provisions are in place (see Exhibit 60).

EXHIBIT 60

Water Quality Protection Regulations in Zoning Ordinances within the
Portage Lake Watershed

Water quality protection regulation	Village of Onekama	Onekama Township	Bear Lake Township	Manistee Township	Brown Township
Minimum parcel size	<ul style="list-style-type: none"> • 15,000 ft.² within Portage Lake Shoreline Overlay Zone (PLSOZ) • 12,000 ft.² elsewhere 	<ul style="list-style-type: none"> • 1 acre agricultural, residential, and resort residential 1 • 90,000 ft.² special and unique residential • 15,000 ft.² resort residential 2, 3, and 4 • 15,000 ft.² commercial 	<ul style="list-style-type: none"> • 1 acre agricultural • 20,000 ft.² resort residential and residential • 40,000 ft.² commercial and multi-use 	<ul style="list-style-type: none"> • 40 acres agricultural • 5 acres multi-use • 20,000 ft.² country residential 	<ul style="list-style-type: none"> • 10 acres for agricultural, forestry, and rural residential
Minimum parcel width	<ul style="list-style-type: none"> • 100ft. within PLSOZ • 75 ft. elsewhere 	<ul style="list-style-type: none"> • 200 ft. agricultural residential • 300 ft. special and unique residential • 100 ft. resort residential 1, 2, 3, 4, and commercial 	<ul style="list-style-type: none"> • 200 ft. road front for agriculture • 100 ft. road front resort residential and residential • 150 ft. road front commercial and multi-use 	<ul style="list-style-type: none"> • 200 ft. agricultural • 300 ft. multiple use • 100 ft. country residential 	<ul style="list-style-type: none"> • 330 ft.: Ratio of depth to width shall not exceed 4:1
Minimum buildable area	Not addressed	Not addressed	Not addressed	Not addressed	<ul style="list-style-type: none"> • 15,000 ft.² of minimum 10-acre parcel including slopes >25 percent, beach contiguous to lake, river or stream, wetlands, or part of floodplain where flood waters expected to have destructive current
Maximum percentage developed or open space	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed

Water quality protection regulation	Village of Onekama	Onekama Township	Bear Lake Township	Manistee Township	Brown Township
Setbacks from water	<ul style="list-style-type: none"> • 40 ft. (horizontal) or 2 ft. (vertical), whichever is greater, from surface water if connected to sewer • If not connected, distances are doubled 	<ul style="list-style-type: none"> • 40 ft. from lakes and ponds 	<ul style="list-style-type: none"> • 50 ft. from wetlands or flowing bodies of water 	<ul style="list-style-type: none"> • 50 ft. from edge of water 	<ul style="list-style-type: none"> • 200 ft. from edge of bodies of water in any district
Surface water buffer	<ul style="list-style-type: none"> • If manicured lawn within 11 ft. of waterbody, then trees with diameter of 3 in. shall not be removed unless dead or chronically diseased within 10 ft. of waterbody except for pruning • Other trees or woody plant material shall not be removed except to prune or clear filtered view • Landowner must maintain/establish this vegetation belt 	Not addressed	<ul style="list-style-type: none"> • Within 50 ft. from edge of wetlands and flowing water only 10 percent trees, shrubs, and other natural growth may be removed in a five-year period 	Not addressed	<ul style="list-style-type: none"> • Within 50 ft. from the edge of bodies of water only 10 percent of shrubs and trees may be removed in a five-year period
Wetlands	<ul style="list-style-type: none"> • Permit not issued for any land use or structure that is located on, drains, or fills a wetland • Variance if permit issued by State 	Not addressed	<ul style="list-style-type: none"> • No building shall be built, located, or constructed within a wetland as determined by MDNR 	Not addressed	Not addressed
Groundwater protection/hazardous waste	Not addressed	<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 	Not addressed	<ul style="list-style-type: none"> • Required provisions for businesses or facilities that generate or use hazardous substances

Water quality protection regulation	Village of Onekama	Onekama Township	Bear Lake Township	Manistee Township	Brown Township
Waste accumulation/outside storage	<ul style="list-style-type: none"> No accumulation of junk, no sewage, wastewater, or water containing foreign substances may be deposited into water bodies unless approved (not including manure, fertilizers, or other soil conditioners for farming, forestry, home garden, and lawn uses) 	<ul style="list-style-type: none"> No accumulation of junk, no sewage, wastewater, or water containing foreign substances may be deposited into water bodies unless approved (not including manure, fertilizers, or other soil conditioners for farming, forestry, home garden, and lawn uses) 	<ul style="list-style-type: none"> No accumulation of junk, no sewage, wastewater, or water containing foreign substances may be deposited into water bodies unless approved (not including manure, fertilizers, or other soil conditioners for farming, forestry, home garden, and lawn uses) 	<ul style="list-style-type: none"> No accumulation of junk, no sewage, wastewater, or water containing foreign substances may be deposited into water bodies unless approved (not including manure, fertilizers, or other soil conditioners for farming, forestry, home garden, and lawn uses) 	Not addressed
Storm water	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed
Planned Unit Development	Included	Included	Included	Included	Included
Other	<ul style="list-style-type: none"> Portage Lake Shoreline Overlay District was created to protect shoreline of Portage Lake and other bodies of surface water in the Village while providing for development of waterfront uses that are in compliance with Portage Lake Management Plan (1987) 	<ul style="list-style-type: none"> One boat dock for private use on lakefront parcels Wind Energy Conversion System 	<ul style="list-style-type: none"> Keyhole Waterfront Access provision to protect integrity of lakes while preserving quality of recreational use 	<ul style="list-style-type: none"> Special provisions for other watersheds not including Portage Lake 	<ul style="list-style-type: none"> Special provisions for other watersheds not including Portage Lake

SOURCE: Public Sector Consultants Inc., 2007.

Although all jurisdictions have some water quality protection measures in their zoning ordinances it is important to keep in mind that the effectiveness of zoning ordinances depends on many factors, including restrictions in the language, enforcement, and public support. Zoning can be a sensitive issue for some units of government and there are multiple challenges to implementing and enforcing a strong ordinance, including community understanding and support and fiscal and legal challenges.

Joint Planning

Recently the Village of Bear Lake, Bear Lake Township, and Pleasanton Township informally agreed to a process to combine planning and zoning responsibilities and established the Bear Lake Community Joint Planning Commission under the Joint Municipal Planning Act, Public Act 226 of 2003 (MCL 125.131 et seq.), and established a joint comprehensive plan. The commission is only the sixth such commission in Michigan.

Recommendations

While all jurisdictions within the watershed have some water quality protection measures in place, additions could be made to provide greater protection. To further the goals and objectives of the Portage Lake Watershed Forever Plan, the five communities in the watershed should form a Joint Planning Authority and develop a joint master plan and complementary zoning ordinances. The emphasis of the plan and ordinances should be to direct development to areas of the watershed with existing adequate infrastructure; ensure that compact, mixed use development occurs in those areas; and conserve existing open space and farmland outside of those areas. Specific tools/ordinances that could be considered include the following:

- Storm water management ordinance
- Compact development tools including mixed use zoning, compact lot sizes, maximum setbacks, and an urban service district
- Open space PUDs and non-contiguous PUDs that encourage low densities near headwater areas and high densities in the Village of Onekama
- Purchase of Development Rights program or other farmland preservation tools
- Buffer ordinances and setbacks along surface waters
- Local wetland protection ordinance
- Groundwater protection regulations
- Form-based code zoning

Effective land use planning is one tool for watershed protection. It is most effective when used in conjunction with other measures including educational outreach programs, land protection for critical habitat areas, and implementation of best management practices.

OTHER AGENCIES AND LOCAL ORGANIZATIONS

Numerous agencies and local organizations play important roles in enhancing the quality of life and economic well-being of the Portage Lake watershed. It will be important to leverage their expertise and efforts to help further the goals and objectives of the Portage

Lake Watershed Forever Plan through the implementation of the plan. In addition to the local government units discussed in the section above, the following federal, state, and local agencies should continue to be engaged.

- District Health Department #10
- Manistee County
- Manistee County Road Commission
- Michigan Department of Environmental Quality
- Michigan Department of Natural Resources
- Michigan Department of Transportation
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture—Natural Resource Conservation Service
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service

In addition, numerous organizations should also be engaged as partners in the implementation phase of the plan. Some of these organizations and their missions are listed in Exhibit 61. Additional entities include Onekama Consolidated Schools, Portage Point Summer Resort Corporation, and various service clubs including the Lions, Clio, and Garden Clubs.

EXHIBIT 61
Mission Statement of Local Organizations

Organization	Mission statement
Manistee County Community Foundation	Changing the way we give, enhancing the way we live.
Alliance for Economic Success (formerly known as the Manistee Economic Development Office)	The Alliance for Economic Success has three missions: <i>Retention, Expansion, & Attraction.</i> To be the recognized leader in customer service and meaningfully improving the economic well-being and quality of life for Manistee County through programs involving the retention, expansion, and attraction of businesses and jobs. <i>Economic Development Cornerstones.</i> To ensure and assist in creating an environment that makes Manistee County a first-choice community for new and existing businesses. <i>Resource Development.</i> To support the development of financial and human resources in order to meaningfully impact or influence the economic well-being and quality of life for Manistee County.
Manistee Conservation District	The Manistee Conservation District will strive to promote good stewardship, protect the natural resources, and provide the education necessary to achieve these goals in partnership with our community.
MSU Extension, Manistee County	Helping people improve their lives through an educational process that applies knowledge to critical needs, issues, and opportunities.
Portage Lake Association	A nonpolitical organization formed to advance, support, and promote the welfare of the Onekama and Portage Lake area.
Portage Lake Environmental Association	To promote sound environmental programs for the conservation, protection, and preservation of Portage Lake and its environs from environmental degradation and impairment, and to stimulate the public interest in environmental matters.

SOURCE: Public Sector Consultants Inc., 2007.
