

APPENDIX B

FRIENDSHIP TOWNSHIP MASTER PLAN MEETING CITIZEN RESPONSES SEPTEMBER 24, 2001 FRIENDSHIP TOWNSHIP HALL

INTRODUCTION: On September 24, 2001, a Town Hall Meeting was held at the Friendship Township Hall to solicit citizen participation for the Friendship Township Master Plan. There were 43 people in attendance. Maureen Radke from Tip of the Mitt Watershed Council facilitated the group discussion. The participants broke into small groups and were asked to address the following four (4) questions: (1) What do you like best about Friendship Township? (2) What resources are most important to protect? (3) What are the main issues the Master Plan must address? (4) What projects would you support to address Master Plan issues? Each person gave three answers to each question. The answers were summarized by each small group, then collectively for all the groups. Answers were voted on in order to prioritize what was most important to those in attendance. Following is a summary of the findings.

ATTENDANCE: Katherine Geraghty, Josephine O'Brien, William O'Brien, Sally Bund, Tom Bund, Wally Smith, Eleanor Smith, Hugh Melling, David Busher, Janice Busher, Terry Franklin, Jim Sutherland, Wilbur Kurburski, Caroline Kurburski, Dorothy Heslip, Norm Mottl, Bob Dudley, Pete Ambrose, Kew Knoth, Maureen Scott, Dale Scott, Art Schoolmaster, Deidre Stevens (PNR), Mary Anne Huminski, Pearl L. Sachs, Jerry Slebiska, Bill Prall, Eric Rasmussen, Kate Rasmussen, Neil Marzella, Paul Nettleman, Lenny Halvorson, B.J. Trufant, Lynn Dinning, Bob Snideman, Barbara Jaquith, John Carr, Arlen Bowman, Mary Reilly, Sarah Cohen, Cynthia Donahey, Doug Sundmacher, Maureen Radke, Nancy LuHellier

SUMMARY FINDINGS:

QUESTION #1: WHAT DO YOU LIKE BEST ABOUT FRIENDSHIP TOWNSHIP:

VOTES	TOPIC
19	Leave it as is
19	Rural Natural Beauty/Topography
11	Low Population Density
3	Panoramic Views
3	Farm/Forest Mix
3	Shoreline
3	Tunnel of Trees (M-119)
3	Darkness and Night Sky
2	Wildlife
2	Peace & Quiet
2	History
1	Open Space
1	Clean Water
Other Topics Mentioned: Privacy, conservancy, concerned government, people & pace, quaintness, social life and neighborliness	

QUESTION #2: WHAT RESOURCES ARE MOST IMPORTANT TO PROTECT?

VOTES	TOPIC
18	Farm/Forest/Open Space/Large Tracts
17	Integrity of Bluff
8	Environmental Resources
6	Lake Access
5	Tunnel of Trees – M-119
5	Ground Water Quality
4	Shoreline
4	5 Mile Creek System Watershed Ridges
3	Hardwood Forests/Old Growth
2	Rural Setting
1	Water Quality of Lake Michigan
1	Contiguous Habitat
1	All Roads
Other Topics Mentioned: Historical, limit gravel pits, darkness, Native American culture, citizen participation, flora and wetlands	

QUESTION #3: WHAT ARE THE MAIN ISSUES THE MASTER PLAN MUST ADDRESS?

VOTES	TOPIC
20	Limiting Density
18	Steep Slopes/No More Bluff Drives
8	Zoning Ordinance Must Articulate Vision
7	Determine Level of Township Government (Township Zoning)
5	Lake Access
4	Threat of Development to Farm & Forest
2	Quality of Life
2	Experts to help develop plan
2	Purchase Development Rights
1	Limiting types of land use
1	Responsiveness of County Offices
1	Enforce Existing Codes
Other Topics Mentioned: Study population growth – put in plan, citizen input, forest management, wetlands & marshes, village concept, traffic, wildlife, easements, adjacent township zoning and purchase development rights	

QUESTION #4: WHAT PROJECTS WOULD YOU SUPPORT TO ADDRESS MASTER PLAN ISSUES?

VOTES	TOPIC
17	M-119 Ordinance to prevent steep slopes/tunnel of trees/stormwater runoff
14	Raise Money for purchase of developmental rights for unique lands
13	Working with Readmond & Cross Village Townships regarding Heritage Highway, Beach Access, Fire Protection and Planning & Zoning
8	Acquire accessible land for township both waterfront and inland
5	Enforce existing zoning laws and amend where necessary
3	Clarify what can be in the village
3	Require Conservation planning by developers
2	Prevent Village – No Gas/Convenience store
2	Hire outside expertise as needed, planning, legal, accounting, etc.
2	Master Plan Creation
1	Gather information regarding the cost of full time government (Zoning – will residents support?)
1	Balanced Approach to Government
Other Topics Mentioned: Map township as is to base zoning on, set local government priorities/destiny, convince County of our seriousness, cooperative approach to conservation and self-determination on new technology	

APPENDIX C

DR. SCHAETZL'S RECOMMENDATIONS

- Lakeshore bluffs in Friendship Township are inherently unstable due to geology and the presence of ground water discharging or seeping along slope faces.
- A 30-meter setback should be established from the crest or top edge of bluffs, and a 50-meter setback from the bottom edge of bluffs to establish “bluff buffer zones.”
- Land uses within these bluff buffer zones should be restricted to modest expansion of existing structures only, and any expansion of a structure’s footprint should be directed away from the bluff face.
- No new construction, tree removal, or trimming should be allowed on bluff faces with slopes greater than 50% or 22.5°.
- Tree removal, thinning, trimming, and topping should be minimized within the slope buffer zones (within 30 meters of the top and within 50 meters of the bottom of bluffs).

Dr. Schaetzl’s Zoning Recommendations

Zone	Definition	Not Allowed	Allowed
Top of bluff buffer areas	Area from top edge of bluff to 30 meters inland (away from the Lake) Bluff top edge defined as the point where the slope toward Lake exceeds 30% (13.5°)	1. New Structures 2. Expansion of footprint of existing structures toward the bluff face	1. Lawns 2. Patios and driveways (existing or new) 3. Fencing (existing or new) 4. Minimum amount of tree clearing and topping (actual amount to be determined)
Bluff faces	Bluff face, generally wave-cut from paleo- or ancient Great Lake levels, with a minimum vertical dimension of 6 meters in which the slope inclination is >50% (>22.5°)	1. New Structures 2. Any and all tree cutting and topping 3. Expansion of footprint of existing structures 4. New driveways, lawns, patios, etc.	---
Bottom of bluff buffer areas	Area from bottom edge of bluff to 50 meters away (toward the Lake) Bluff bottom edge defined as where the slope toward Lake first decreases to less than 30% (13.5°)	1. New structures 2. Expansion of footprint of existing structures toward the bluff face	1. Lawns (existing or new) 2. Patios and driveways (existing or new) 3. Fencing (existing or new) 4. Minimum amount of tree clearing and topping (actual amount to be determined)

APPENDIX D

ORDINANCE NO. 10-220

AN ORDINANCE TO AMEND ORDINANCE NO. 10, THE EMMET COUNTY ZONING ORDINANCE, AS AMENDED, BY THE ADDITION OF ARTICLE XVI, "SHORELINE BLUFF OVERLAY DISTRICT"

THE COUNTY OF EMMET ORDAINS:

Ordinance No. 10, the Emmet County Zoning Ordinance, as amended, is hereby amended by the addition of Article XVI, "Shoreline Bluff Overlay District," to read as follows:

ARTICLE XVI – SHORELINE BLUFF OVERLAY DISTRICT

INTENT

The County of Emmet establishes the Shoreline Bluff Overlay District with the following intent:

- To protect the natural environment and the integrity of the Shoreline Bluff, which is a distinctive and valuable natural feature of the Emmet County Lake Michigan shoreline.
- To recognize the potential for hazards to health and safety to persons and property from Bluff development.
- To protect the stability of the Shoreline Bluff, and thereby reduce the risks of erosion, undermining, dumping, or collapse of the Bluff, and to protect the waters of Lake Michigan from unnatural sedimentation.
- To promote the recommendations of the Emmet County/City of Petoskey Comprehensive Plan relative to the constraints that should be considered in developments that impact hillside environments.

SECTION 1600. DEFINITIONS.

For the purposes of this Article, the terms listed shall have the following meanings:

_____ **County** means the County of Emmet.

_____ **Grade** means the number of feet of vertical rise of a slope per one hundred feet of horizontal run, expressed as a percentage.

_____ **Shoreline Bluff** means the geologic land form depicted on the maps attached to this Ordinance that were prepared by the County and designated as the "Shoreline Bluff Overlay District Maps," which land form is the principal bluff located along the shoreline of Lake Michigan in Emmet County.

_____ **Bluff Protection Zone** means on the face of the Shoreline Bluff and within 15 feet from the Top of the Bluff and within 15 feet from the Toe of the Bluff.

_____ **Toe of Bluff** means the point where the slope toward Lake Michigan first decreases to a grade of less than 33%.

_____ **Top of Bluff** means the point where the slope toward Lake Michigan first exceeds a grade of 33%.

SECTION 1601. AREA REGULATED.

The Shoreline Bluff Overlay District applies to the area of and around the Shoreline Bluff within Friendship, Readmond, and Cross Village Townships.

SECTION 1602. WATER MANAGEMENT CONTROL.

To help protect the Shoreline Bluff, before any land use or construction activity can occur on or east of the Bluff Protection Zone and within 1000 feet of the Ordinary High Water Mark, the soil erosion officer must be on-site to determine if any soil erosion permits are required for the management of soil erosion and water runoff affecting the Bluff.

SECTION 1603. PROHIBITED USES/ACTIVITIES.

No land use or construction activity shall occur in the Bluff Protection Zone.

This Article shall not apply to the installation, maintenance, and repair of open stairways, open landings under 200 square feet, pathways, ramps, or other such means of access intended to serve as alternatives to driveways down the Shoreline Bluff face.

SECTION 1604. EXISTING STRUCTURES AND USES.

Any building, land use, and customary accessory building such as a deck, lawfully existing within the Bluff Protection Zone on the effective date of this Article may be repaired, modified, or expanded, but such construction cannot extend beyond the existing structure, either at the Top or Toe of the Bluff, closer to the Bluff face. Driveways within the Bluff Protection Zone may be repaired or replaced provided that the area of coverage is not varied or increased.

If any building within the Bluff Protection Zone is destroyed by any means to an extent of more than eighty (80) percent of its area, a new building of the same, lesser, or greater area can be rebuilt in the same general location (but not closer to the Bluff face) only if no feasible and prudent alternative location exists outside the Bluff Protection Zone and west of M-119.

SECTION 1605. VARIANCE.

1. **PROCEDURE:** The Emmet County Zoning Board of Appeals may grant a variance from the prohibition in this article, as provided in Article XXV of this Ordinance. The Board shall review all applications after due notice is given to all property owners of record within 300 feet of the applicant's property.
2. **NEED TO ESTABLISH NO FEASIBLE AND PRUDENT ALTERNATIVE:** To obtain a variance, the applicant must first establish to the satisfaction of the Board that the proposed land use or construction activity must occur within the Bluff Protection Zone because there is no feasible and prudent alternative location on the applicant's lot of record. For this purpose, a feasible and prudent alternative location on the applicant's lot shall include a building site east of M-119. The Board must reject the application for a variance if it is not so satisfied, or if after August 2, 2002, the feasible and prudent alternative location (e.g., property east of M-119) was split off from the property the applicant now claims to lack a feasible and prudent alternative location. If the Board is satisfied, and if no prior land split as described above has occurred creating the lack of alternative location, the process and procedure for a variance shall continue as set forth below.
3. **APPLICATION REQUIREMENTS:** Application for the variance shall include a site plan that must comply with all the requirements of Section 2405(2) of this ordinance and also contain the following information:
 - (a) All lake shorelines, streams, wetlands, groundwater seeps, springs, soil types, soil strata, and groundwater table in the area.
 - (b) All existing roads, driveways, structures, culverts, and other pertinent features on the site or within 100' of the area of site disturbance.
 - (c) Existing ground contour lines and proposed ground contour lines at 5 foot intervals encompassing the area of site disturbance and in the immediate area of influence of the of the disturbed areas, e.g. within 15 feet.
 - (d) All proposed construction activities on the site, including the installation of sanitary sewage disposal system, storm water management systems, including outflow or outlet facilities, and any other areas proposed to be disturbed.
 - (e) An inventory of existing vegetation and individual trees measuring three (3") inches or more in diameter (caliper) proposed to be disturbed.
 - (f) Slope stability analysis of existing slopes and of proposed excavations and embankments.
 - (g) Construction staging and progress schedule.
 - (h) Additional information if determined to be necessary or helpful by the Board in reaching a decision.

- (i) A site plan required under this Article shall be signed and sealed by a Michigan registered professional engineer.
4. BOARD AUTHORITY AND REponsIBILITY: Regarding its review and decision whether or not to approve the application for a variance, and in addition to the applicable requirements of Article XXV, the Board's authority and responsibility shall include the following:
- (a) To require, at the applicants expense, an independent engineering review of the proposed land use or construction activity, if the Board determines that it is necessary or helpful in making a decision.
 - (b) To require alterations of the applicant's plan in order to minimize adverse effects on the natural environment or neighboring properties.
 - (c) To seek the assistance of the Natural Resource Conservation Service (NRCS) or Soil Erosion Officer and Drain Commissioner relative to issues of soil erosion or storm water runoff control, if determined to be necessary or helpful in reaching a decision.
 - (d) To impose conditions designed to ensure compliance with the requirements and intent of this Article, which include protecting the structural integrity of the Shoreline Bluff and preventing any detrimental impact to it from the proposed land use or construction activity.
5. COMPLIANCE:
- (a) If the variance is granted, nothing in the Article shall be interpreted to exempt a property owner from obtaining permits from other departments or agencies relative to soil erosion, storm water management, endangered species, and other environmental regulations regarding construction, sanitation, access, and the like.
 - (b) If the variance is granted, upon the completion of construction, a Michigan registered professional engineer shall certify that all work has been done in accordance with the variance. Such certification shall be provided to the County Department of Planning and Zoning within 45 days of completion.
 - (c) To insure compliance with the terms and conditions imposed under this Article and the variance, the applicant shall be required to deposit with the County Clerk a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount determined by the Board to be satisfactory to insure faithful completion of the requirements of the variance. The performance guarantee shall be deposited at the time of the issuance of the variance authorizing the use or activity. The deposit shall be refunded if the applicant complies with the terms of the variance and forfeited if it does not comply.