

Brian VanDenBrand

From: Monnie Peters <mgpeters@acegroup.cc>
Sent: Friday, February 23, 2018 2:20 PM
To: Heather Smith
Cc: Brian vandenBrand Planner; 'Laura Serocki'
Subject: Re: Flood Plain and Wetlands Ordinance before the Planning Commission Again

Heather, thank you for the red-lined version of our draft Floodplain/Wetlands regulations. I also appreciate your comments on your changes.

The Township is closed on Fridays, but I will be in contact with Gordon Hayward (who is standing in for Brian VanDenBrand who is currently out on medical leave for a couple of weeks) on Monday. I will be sure other PC members get this over the weekend, and that it gets into the public record (probably in a packet addition on Monday morning.

Have a good weekend, Monnie

On 2/23/18 10:05 AM, Heather Smith wrote:

Dear Monnie, Brian, and Laura -

Thank you for opportunity to review proposed amendments to Sections 6.9.3.7 and 7.4.7 of Peninsula Township's Zoning Ordinance. Wetlands and floodplains offer many community benefits, including water filtration, flood storage, groundwater recharge, shoreline stabilization and fish and wildlife habitat. Wetland and floodplain protections are important tools for protecting water quality and we applaud Peninsula Township for these efforts.

Attached is The Watershed Center's review, which includes a few redlines and comments meant to provide clarity. We will be unable to participate at the public hearing on Monday, February 26 due to prior commitments, but we look forward to providing support and resources as requested as the township moves forward with these amendments. Please distribute these comments to the Planning Commission and include them in the public record.

Please don't hesitate to contact me for any reason, to explain attached comments, or otherwise.

Thank you for helping protect our water resource,

Heather Smith
Grand Traverse BAYKEEPER
The Watershed Center Grand Traverse Bay
hsmith@gtbay.org
231.935.1514 x 3

From: Monnie Peters [<mailto:mgpeters@acegroup.cc>]
Sent: Wednesday, February 14, 2018 4:07 PM
To: Heather Smith
Cc: Brian vandenBrand Planner; 'Laura Serocki'
Subject: Re: Flood Plain and Wetlands Ordinance before the Planning Commission Again

RECEIVED
FEB 23 2018
BY: AAA

DRAFT

Section 6.9.3.7 Flood Plain and Wetland Restrictions

Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential purposes or for uses that may in the judgement of the Planning Commission increase the flood hazard, or increase the danger to health, life, or property. See Section 7.4.7 Flood Plain and Wetland Controls.

Section 7.4.7 Flood Plain and Wetland Controls:

(A) Wetland

Definition of Wetland: Land characterized by the presence of water at frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream.

(1) A setback of 25 feet shall be maintained between any structure or impervious surface and a wetland.

(2) Except as specified in subsection (3), there shall be no development or modification of any kind within a wetland or wetland setback. Wetlands may be used for density calculations.

(3) Boardwalks 3 feet or less in width shall be ~~permitted~~ allowed following issuance of a Land Use

Permit. Boardwalks shall be laid using open-pile construction to avoid placement of fill and minimize impacts to wetland resources ~~on the surface of the ground with no post holes or piers.~~

(4) Wetland Identification: In the event of reasonable doubt as to the presence of a wetland, The Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the existence, extent, and location of wetland areas.

Comment [TA1]: Recommending reviewing this for consistency with MCL 324.30307-30310

Comment [TA2]: This may imply that a separate permit is required for a boardwalk, not clear that is the intent

Comment [TA3]: DEQ Best Management Practices for Wetland Crossings favors open-pile construction.

http://www.michigan.gov/documents/deq/deq-wb-nps-wec_250913_7.pdf

(REDLINES FROM THE WATERSHED CENTER GRAND TRAVERSE BAY)

(B) Flood Plain

(1) Intent and Purposes: The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain of the Great Lakes. All land included in the flood plain shall be subject to the requirements and prohibitions specified herein, in addition to the normal zoning district requirements in which the land is located.

(a) Notwithstanding anything to the contrary in this entire Ordinance, any request to fill in the flood plain of a parcel or a portion thereof, must be evaluated in concert with the proposed use of the land after the filling in of the flood plain or portion of the flood plain, and such proposed use must be a permitted use as set forth in Section 7.4.7 (B)(3). A request to fill in the flood plain or a portion thereof will not be considered alone and is not permitted.

(2) Flood Plain Area Identification: Flood plain areas shall be those areas falling below ~~three feet above the Ordinary High Water Mark of Lake Michigan/Huron, elevation 582.5-1985-International Great Lakes Datum (I.G.L.D.)~~. Such flood plain areas may not be filled in except as specifically set forth in section 7.4.7 (B) (1)(a), (3), and (5). In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the extent and location of floodable areas.

(3) Permitted Uses: Notwithstanding any other provisions of this Ordinance, no uses shall be permitted to occur within a flood plain or to occur on a parcel for which a request has been made to fill in the flood plain or a portion thereto, except the following:

- (a) Gardens, playground, preserve, and parks.
- (b) Boardwalks and paths no wider than 3 feet.
- (c) Yard and setback areas or other open space portions required for any District, provided that the elevation of the lowest floor designed for human habitation shall be at least 3 feet above the established flood plain elevation.
- (d) Utility uses and related service drives when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety or welfare, especially for neighboring properties. Any surface must be pervious.

(4) Required Conditions For Permitted Uses: To the extent that a request to fill in the flood plain on a parcel or a portion of a parcel along with the permitted use as set forth in Sections 7.4.7 (B) (1)(a) or (3) has been granted, such granting of the request is subject to the following conditions:

(a) Any work, construction, or filling in the flood plain shall conform to the requirement of Section 7.4 of this Article, and permits for such work, construction, or filling in the flood plain shall not be issued unless they receive review and approval by the Planning Commission and the Township engineer.

Comment [O4]: Because the I.G.L.D. does periodically change, you may consider referring to the OHWM. More information can be found here.
https://www.michigan.gov/deq/0,4561,7-135-3313_3677_3702-352662--,00.html

Comment [TA5]: It is unclear to us whether there is a permit required for uses in floodplains, and if so, who issues them. If the PC is the issuer (implied by Sec 4(a)), then the PC should have the opportunity to require additional studies.

Comment [TA6]: It is not entirely clear whether this Section requires a permit to be issued for these "Permitted Uses." Section 4(a) indicates a permit is necessary. If a permit is required, the Ordinance should identify the process (by whom, how, etc). If a permit is not required, then the use of the word "permitted" should probably be avoided, to limit ambiguity.

(REDLINES FROM THE WATERSHED CENTER GRAND TRAVERSE BAY)

(b) Any work, construction, or filling in the flood plain shall be so fixed to the site as to withstand the force of the expected velocity of flood water. The ~~Planning Commission~~Zoning Administrator may require professional engineering review of any such construction.

(c) ~~Prior to issuance of a permit,~~ the Planning Commission may request additional information prepared by a registered professional engineer. Information may include: topographic information, studies to determine the effects of flooding or flow of water, determination that the use will not adversely affect floodplain capacity, and that the use will not generate stormwater, sedimentation or other water quality concerns.

(d) All of the conditions set forth herein must be fully satisfied before applicant may proceed with the work, construction, or filling in the flood plain, or a portion thereof.

(5) Restricted Uses: Any structure where human habitation is contemplated either as a place of residence, place of public gathering or employment, shall be prohibited from locating in flood plain areas. Any structure where human habitation is contemplated either as a place of residence, place of public gathering or employment shall be prohibited from locating on a parcel of property for which a prior request has been approved to fill in the flood plain or fill in any portion of the parcel.

(6) Vegetated Buffer Protection: All shoreline properties including and especially flood plain areas shall have a vegetated strip at least 35 feet inlandward of the beach area to filter nutrients and storm water and give protection from lake waves. Use of deep rooted shrubs, tree, and native plants provide greater protection than man-made structures.

Comment [TA7]: This is the dimension in Sec. 7.4.4 where vegetation removal is limited

(7) Retaining Wall or Seawalls: There shall be no retaining walls or seawalls in any flood plain area, unless the applicant demonstrates to the Board of Zoning Appeals that a wall is necessary to preserve upland property and also that the proposed wall will minimize adverse impacts to water quality and the environment.

Peninsula Township
13235 Center Road
Traverse City, Michigan 49686
Supervisor Rob Manigold
supervisor@peninsulatownship.com

Rob,

At your suggestion, I am writing this letter regarding a junk ordinance on Old Mission Peninsula. This is in regards of an earlier letter/pictures and signatures of at least 125 residents with complaints to 3 specific locations on the Peninsula over 5 years ago. To date only one location has been burned and cleaned up on Peninsula Drive. We still have issues at two locations on Peninsula Drive. I would be glad to take additional pictures however I think you know the locations I am speaking about. These locations have not changed but actually have increased in junk that has nothing to do with the orchard industry and the local residence just has too much clutter creating blight and driving down the nearby property values or creating an atmosphere that if someone wanted to actually sell their home it would be view by a potential buyer as negative.

Over the past few months I have also viewed vehicles left in fields as well at semi-trailers left on residential property that has no use other than storage. I know that I have boats or trailers out in my yard at any given summer day but these are issues that remain 365 days per year. When residents met with your team prior to the election I pressed hard on this issue. In viewing latest newsletter, I see there is consideration of junk ordinance as well as a potential hiring of this.

My suggestion is if vehicles are not currently licensed or running they would be grounds for removal. If vehicles are not moved in a 30 day period a daily fine would be tacked on to property taxes. In addition, if you have items that have nothing to do with your orchard business that they be removed. Any items on residential property that would pertain to businesses should be moved as not to be seen from road. I'm not a lawyer but just consistent common-sense approach on this seems to make the most sense. Everyone on the Peninsula should be treated alike and not special treatment for certain individuals.

Thanks for your time on this, if you have any questions give me a call or e-mail.

Thanks,

Mark Ladley
17373 Center Road
Traverse City, Michigan 49686
Home: 231-223-9451 Cell: 248-505-8835
markladley@gmail.com

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

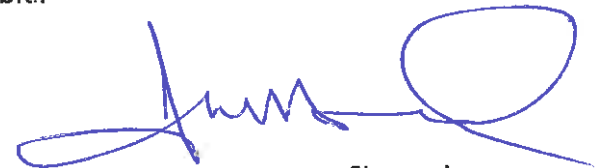
Date: January 8, 2017

To: Peninsula Township Clerk
13235 Center Rd.
Traverse City, MI 49696

RE: Applicant request approval of a new public library at the northwest corner of Island View Rd and Center Rd. Permitted in the A-1 Zoning District subject to special use permit approval.
Parcel# 11-133-004-10

To Whom it May Concern,

Upon reviewing the above Notice of Public Hearing of the Zoning Board of Appeals, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and country to do all we can to improve and promote growth in any way possible.



Sincerely,
JOHN HAGGARD

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CLERK