



Date: 10-October-2016  
To: Planning Commissioners  
From: Rob Mitzel  
Pages: 1

**RE: October 2016 Packet – Regular Meeting**

Your packet contains the following items:

1. This memo
2. Agenda
3. 09-21-16 Regular Meeting Draft Minutes and 10-03-16 Special Meeting and Public Hearing Draft Minutes
4. Site Plan Information for Arms Creek Landing Strip
5. Further edits and comments on the Natural River District Language

Notes for the Meeting:

- The memorial service for Wilber Woods on Sunday, October 2<sup>nd</sup>, was well attended, filling up the entire meeting room at the township hall.
- Natural River District (NRD): I received input from Patrick Ertel from Michigan DNR and further comment from Kris Olsson of the Huron River Watershed Council. Those comments are included in the document in the packet.
- HRWC Grant: Kris Olsson informed me last week that they have a grant to assist communities with implementation of items related to the Green Infrastructure Planning. She suggested that they could help with our efforts for gravel road capacity and/or non-contiguous PUD language.
- Article 8: No further progress on this revision of the Zoning Ordinance since our last meeting.



Webster Township Planning Commission

**October 19, 2016 7:00 PM**

Webster Township Hall  
5665 Webster Church Road  
Dexter, Michigan 48130

Agenda

1. Call to Order
2. Roll Call: George Goodman, Rob Mitzel; Erica Perry; John Westman; Paul Zalucha; Cynthia Zuccaro
3. Approval of Agenda
4. Approval of Minutes for September 21, 2016 Regular Meeting and October 3, 2016 Special Meeting and Public Hearing
5. Public Participation
6. Township Board Report
7. Zoning Administrator Report
8. Public Hearings & Action Items:
  - (a) Public Hearing for Special Land Use and Site Plan for Private Landing Strip at 6570/6598 Gregory Road, Dexter, MI, 48130
  - (b) Action Item: Recommendation to Board of Trustees for Special Use Permit for Private Landing Strip at 6570/6598 Gregory Road, Dexter, MI, 48130, and Site Plan approval for same
9. Discussion Items
  - (a) Natural River District Regulations
  - (b) Huron River Watershed Council Grant for Green Infrastructure Implementation
10. Public Participation
11. Informational Items / Correspondence
12. Adjournment

## Suggested changes to Webster's ordinance to comply with Natural Rivers Program:

### Section 16.20 Surface Water Protection Overlay District

**A. Purpose and Intent.** Buffers adjacent to stream systems and shore areas provide numerous environmental protection and resource management benefits that can include the following:

- 1) Restoring and maintaining the chemical, physical and biological integrity of the water resources;
- 2) Removing pollutants delivered in urban storm water;
- 3) Reducing erosion and controlling sedimentation;
- 4) Stabilizing stream banks;
- 5) Providing infiltration of storm water runoff;
- 6) Maintaining base flow of streams;
- 7) Contributing the organic matter that is a source of food and energy for the aquatic ecosystem;
- 8) Providing tree canopy to shade streams and promote desirable aquatic organisms; and
- 9) Providing riparian wildlife habitat.

The purpose of the Surface Water Protection Overlay District is to preserve and enhance the environmental, ecological and aesthetic values of the lakes, rivers and streams in Webster Township. Rivers, lakes and streams are a vital component of the hydrologic cycle, draining surface water runoff through the watershed and transporting it to the Great Lakes. Healthy rivers, lakes and streams provide natural storm water management, allow for numerous recreational activities and provide valuable habitat for flora and fauna. In addition, owners of waterfront property benefit from higher property values when water bodies are high quality. **The Huron River as it flows through the township, and the portion of Arms Creek from the confluence of the 2 branches in section 10 near Valentine and Scully Roads to its confluence with the Huron River is a designated Natural River District by the State of Michigan.**

**B. Surface Water Overlay Zones.** The zones overlay existing zoning for an area **fifty (50')** feet and **one hundred twenty-five (125')** feet from the ordinary high-water mark on each side of and parallel to all rivers, streams, and lakes greater than 5 acres in area. The zones are depicted on the **map of the Surface Water Protection Overlay District below.** Specific regulations for these two zones are provided below.

**Comment [PBE1]:** The map shows zones of 25' and 100' but the language is 50 and 125

**Comment [KO2]:** That's because the map hasn't been changed yet. So that will be changed...

### C. Building Setbacks.

**The closest point of construction of New buildings-structures** shall be setback a minimum of **one hundred twenty-five (125')** feet from the ordinary high-water mark, **even if that point is not on the subject parcel.**

**D. Accessory Uses.** All accessory uses, including **but not limited to** storage buildings, garages, parking lots, detention ponds, retention ponds, gravel parking lots, or outdoor industrial storage areas shall be set back a minimum of **one hundred twenty-five (125')** feet from the water's edge.

**E. Excavation.** All excavation, including dredging, cutting, filling, and grading within the overlay zone shall be done in accordance with the requirements of the Washtenaw County Water Resources Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, Michigan Natural Resources and Environmental Protection Act, as amended [MCL 324.9101 et seq.] and other applicable state and local laws. In addition, commercial mining, extraction of soil materials, sand or gravel is prohibited within the overlay zone.

**F. Pesticides, Herbicides and Fertilizers.** Because of the effects on vegetation, fish, wildlife and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, the use of such on lands within the overlay zone is prohibited.

**G. Storm Water Management.** Detention, retention and/or sedimentation basins shall be designed and constructed in accordance with Article 14, Storm Water Management Regulations, of this Ordinance and Washtenaw County Water Resources Commissioner rules. Storm water management systems shall be designed to reduce the impact of flooding and the degradation of water quality. All activity within the Surface Water Protection Overlay District shall be in compliance with all County and Township storm water management standards.

**H. Vegetation Strip.** To minimize erosion, stabilize banks, protect water quality, minimize nutrient loading, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures and to preserve aesthetic values, a natural vegetation strip shall be maintained for a distance of **fifty (50')** feet from the water's edge. This **restricted cutting strip** shall apply to all sides of a body of water although a single access path to the water's edge is allowed. The natural vegetation strip shall maintain the following standards:

1. The strip shall ensure that a live root system stays intact to provide for creek bank stabilization and prevent soil erosion.

2. **Dead, diseased, unsafe fallen trees and invasive and noxious plants and shrubs, including poison ivy, poison sumac, common buckthorn, honeysuckle, purple loosestrife and other plants regarded as invasive may be removed.** Planting of perennial native species on the natural vegetation strip is encouraged, especially where exposed soil or steep slopes exist or where reforestation is **necessary**.

3. **Pathways to the river's edge shall be no wider than 10 feet and shall meander down to the river's edge in a matter which protects the soil and vegetation from erosion while also screening the principal structure and vehicles from a direct river view; and [taken from Hamburg's ordinance]**

**Comment [PBE3]:** Is it restricted or prohibited? If restricted, is there guidance as to what can be cut? I see the bullets below but I'm curious if that is for woody species only or all? What about removal of invasives?

**Comment [KO4]:** I think it implies more than just woody.

**Comment [KO5]:** What if we remove "restricted cutting" wording?

**Comment [KO6]:** Patrick do you have suggested language for allowing removal of invasives

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4. Pathways or boardwalks running **along or parallel to** the river within the required natural vegetation strip shall be prohibited.

**Comment [PBE7]:** Are pathway/boardwalks that go from the home to the river, perpendicular to flow, permissible?

**Comment [KO8]:** See added language now #3

**I. Nonconformities.** In cases where nonconforming uses or nonconforming structures exist at the time of adoption this Ordinance, the Planning Commission may determine that compliance with all of the overlay standards of this Section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates that one or more of the following conditions apply:

1. Size of the parcel is insufficient to meet **dimensional standards**.

**Comment [PBE9]:** Are these listed in another township ordinance?

2. A site plan, plat, or special use permit was previously approved by the Planning Commission or **building permits** were previously issued by the building department.

**Comment [PBE10]:** I like this. I like that it doesn't then make legal what was done without a permit, pre-ordinance.

**J. Restrictions on Land Uses that Pose Water Pollution Hazards.** The following land uses and/or activities are designated as potential water pollution hazards, and must be set back from **the ordinary high-water mark of** any stream or water body by the distance indicated below:

(1) Storage of hazardous substances (150 feet);

(2) Above or below ground petroleum storage facilities (150 feet);

(3) Drain fields from on-site sewage disposal and treatment system (i.e. septic systems - **125 feet**);

(4) Raised septic systems (250 feet);

(5) Solid waste landfills or junkyards (300 feet);

(6) Confined animal feedlot operations (250 feet);

(7) BMP's for septic tanks and other underground storage tanks; and

(8) **Mining and extracting industries (300 feet)**.

## K. Waivers.

(1) The requirements and standards of this Section apply to all developments commenced after the effective date of this Ordinance, except those developments that obtained site plan approval, plat approval, or a building permit (which remains effective), prior to the effective date of this Ordinance.

(2) The Planning Commission may grant a waiver for the following:

(a) Those projects or activities serving a public need where no feasible alternative is available;

(b) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed; or

(c) For those developments that have had buffers applied in conformance with previously issued requirements.

(3) Waivers for development may also be granted in two additional forms:

(a) The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside zone is not disturbed by the narrowing, and no new structures are built within the one hundred (100) year floodplain.

(b) The Planning Commission may offer credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of this Ordinance. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.

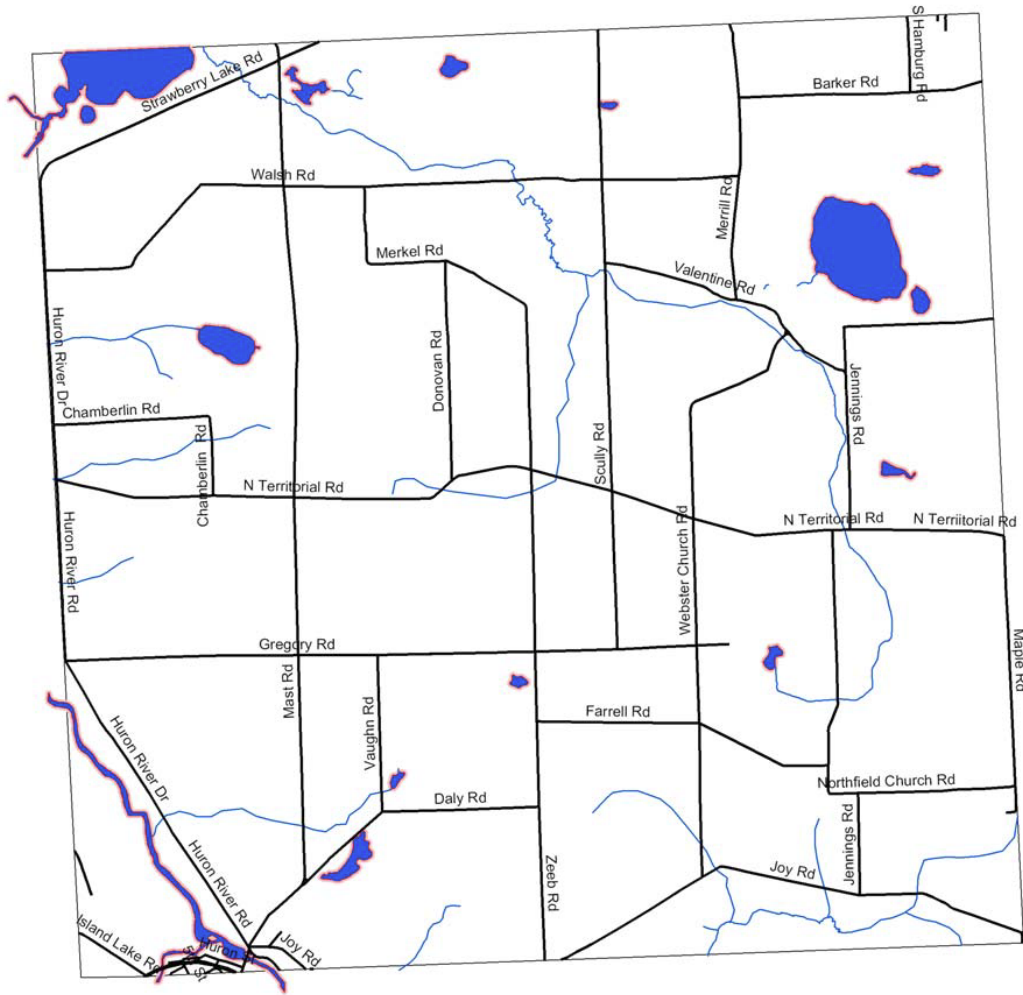
(4) The applicant shall submit a written request for a waiver to the Township Clerk, who shall retain the original and forward a copy to the Planning Commission. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the request. The Planning Commission may require an alternatives analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.

(5) In granting a request for a waiver, the Planning Commission may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

**Comment [PBE11]:** Projects that involve the greater benefit of the public would still be reviewed and permitted at the state level. Same comment for (2)(b)

Note: Map on next page to be updated to 50ft and 125ft instead of 25ft and 100ft. Also the 125ft zone will include Arms creek as described in the purpose section at the beginning. Yep, will do!

## Surface Water Overlay Zone



### Legend

- Roads
- Township Boundary
- 25 Foot Buffer Zone
- Lakes
- 100 Foot Buffer Zone

Map prepared by:



Last Updated: 6/20/06  
 Data Source: Washtenaw County  
 GIS Program 2000 (natural features),  
 2005 (roads)

