



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

June 19, 2013

TO: Michigan State Waterways Commission

FROM: Ronald A. Olson, Chief, Parks and Recreation Division

SUBJECT: Eagle Lake Land Proposed Acquisition for access site

Status and Process

Attached for your review for future consideration is a resolution to recommend the purchase of 9.62 acres of land located on Eagle Lake in Southwest Michigan. The lake is nearly 380 acres, and has connecting waterways to three smaller lakes, totaling 461 acres. Currently, there are no public boating access sites (BAS). There does exist a private launch and one road ending access point on Eagle Lake.

Background

One goal of the State Waterways Program is to provide public boating access to Michigan's lakes and streams.

Currently, there are over 1,100 boating access sites statewide on Michigan's lakes and streams.

The 9.62 acre parcel became available through a bank on a foreclosure. Our policy is to have our local district staff recommend locations for potential acquisition if it would create public boating access to key lakes and other waterways. The bank contacted the DNR asking if we were interested in the property.

Process

Public Act 210 requires the Department of Natural Resources (DNR) to contact the local units of government to determine if they would be interested in purchasing and operating a BAS.

Process for considering BAS acquisitions.

1. The site is assessed to determine if it is feasible to create boating access to the waterways.
2. Zoning is reviewed to ensure that a public boating access site is feasible.
3. Ensure that the land could be developed in compliance with environmental requirements.
4. Collaborate with local units of government, such as the road commission, to ensure there is support for the concept.
5. Hold a public input session to enable the public to learn about the proposal and to provide comments, suggestions, and questions.
6. Address the public input, respond to the comments, and consider the public's input in the proposal.

7. Respond back to the public and consider the proposal with the Michigan State Waterways Commission for their assessment, and ultimate recommendation to the Department regarding the planned acquisition.

Status

Following the public open house held May 30, 2013, the staff prepared the attached summary of public comments. Also, a letter has been received from the attorney representing the Eagle Lake Improvement Association expressing concern over the zoning and other related matters.

The zoning details were reviewed (see attachment) that identifies the zoning as Lake Residential. This zoning does permit "Parks" within the zone.

There has been support for the access site if we are open to park amenities on the land.

A petition was signed locally by 342 individuals in support of acquiring land that would provide public boating access to Eagle Lake and the chain-of-lakes.

The privately owned land has been used for over 50 years to launch boats and to access the lake. This has resulted in unregulated parking problems in the area.

Recommendation

1. Postpone action on land acquisition.
2. Waterways Commission assign the matter to the facility subcommittee to work with staff further to review the public comments and to discuss options for a conceptual site plan.
3. Subcommittee and staff continue the communication between the stakeholders to seek a consensus plan to move forward.
4. Recommend a plan of action at a future Michigan State Waterways Commission regarding the feasibility of acquiring the land.

Eagle Lake Proposed Land Acquisition
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Attachments

1. Location Map
2. Concept Plan
3. Zoning definitions
4. Public open house notes
5. Letters from
 - a. Attorney
 - b. Township
 - c. Road Commission

cc: Eagle Lake Improvement Association
Ontwa Township
Cass County Road Commission
Painter Juno Christiania Lakes Association
DNR Parks and Recreation
DNR Real Estate Section



BLOOM
SLUGGETT
MORGAN

COUNSELORS & ATTORNEYS

RECEIVED

JUN 17 2013

PARKS AND RECREATION

Clifford H. Bloom
Direct Dial (616) 965-9342
Direct Fax (616) 965-9352
cbloom@bsmlawpc.com

June 18, 2013

Via Fax and First Class Mail

Michigan State Waterways Commission
State of Michigan
P. O. Box 30257
Lansing, Michigan 48909

**Re: Eagle Lake in Ontwa Township, Cass County, Michigan
Former "The Dock" Property
Option to Purchase by the DNR**

Dear Commission Members:

We are legal counsel for the Eagle Lake Improvement Association (the "Association"), which represents most of the lakefront property owners at Eagle Lake in Ontwa Township, Cass County, Michigan. This letter pertains to the purchase option apparently held by the Michigan Department of Natural Resources (the "DNR") with regard to the property located at the east end of Eagle Lake formerly known as "The Dock" property (the "Property"). It is our understanding that the Michigan State Waterways Commission (the "Commission") will be addressing the DNR's potential purchase of the Property at its upcoming meeting on June 21, 2013.

Prior to any decisions being made regarding whether the DNR should exercise its option to purchase the Property, there are several matters of which the Commission should be aware. First, Ontwa Township Supervisor John Brielmaier sent a letter to the DNR dated March 21, 2013, wherein Mr. Brielmaier stated that "Ontwa Township supports the DNR purchasing yhe [sic] Dock Property to be used as a boat launch and public park." The Association believes that Mr. Brielmaier's letter is both misleading and inaccurate. The positions and policies for Ontwa Township can only be set with the approval of the seven-person elected Ontwa Township Board. The Association has not been able to find any minutes or other information indicating that the Ontwa Township Board ever voted on whether to support the DNR purchase of the Property for a boat launch or otherwise. In fact, at the recent Ontwa Township Board meeting held on June 10, 2013, Mr. Brielmaier publicly admitted that no formal vote had been taken by the Township Board and that he simply did an informal survey of Township Board members. Not only does that not constitute formal Ontwa Township policy, but such actions could potentially be a violation of the Michigan Open Meetings Act, being MCL 15.261 *et seq.*

Commission members should also be aware that a boat launch and boat launch parking facility are not currently allowed for the Property pursuant to the Ontwa Township Zoning Ordinance, as amended (the "Zoning Ordinance"). Clearly, any DNR boat ramp and boat ramp parking facility would be subject to local zoning regulations pursuant to *Burt Twp v DNR*, 459

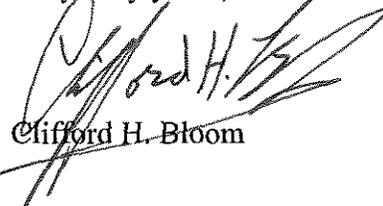
Mich 659 (1999). The Property is located within the L-R Lake Residential zoning district under the Zoning Ordinance. A boat launch facility and boat launch parking are not permitted uses within that zoning district. See Section 8.02 of the Zoning Ordinance. Association officials have asked Ontwa Township Zoning Administrator Wayne Hardin whether he has approved a boat launch and boat launch parking facility for the Property or whether such uses are even allowed on the Property pursuant to the Zoning Ordinance. Mr. Hardin has indicated to Association officials that he has not approved a boat launch or boat launch parking facility for the Property. Regarding whether or not the boat launch facility and boat launch parking are permitted uses within the L-R zoning district, Mr. Hardin has been noncommittal. He has indicated to Association officials that such uses would be allowed only if they are considered a "park" (for which he has not given an opinion – he apparently believes that the Township Planning Commission must make that interpretation).¹ Association officials do not believe that the DNR's proposal would be a "park."

Some have asserted that the Property has been used for many years as an informal boat launch and that the DNR would be able to develop a boat launch for "safe and effective access" to the lake. Such assertions are off base for at least two reasons. First, the site is inherently unsafe for any boat launching uses, given its proximity to a busy public road. There is no effective way to launch a boat into the lake at that site without interfering with road traffic. Second, the degree of usage of the informal boat launch in the past will pale in comparison to the high volume watercraft launching that will occur pursuant to an improved DNR public boat launch site. The Association will address this and other pertinent issues in more detail at your upcoming meeting.

This letter will supersede and replace the virtually identical letter of June 17, 2013, as there was an error in that earlier letter which listed me as the "Township Attorney" under my signature. We represent a significant number of townships and the wrong format was erroneously utilized. We are not legal counsel for Ontwa Township. We regret any misunderstanding that such error may have caused.

The Association thanks the Commission and its members for your careful consideration of these issues.

Very truly yours,



Clifford H. Bloom

cc: Eagle Lake Improvement Association
Roland Johnson, DNR Parks & Recreation Division
John Brielmaier, Ontwa Township Supervisor
Paula Ralph, Ontwa Township Clerk
Wayne Hardin, Ontwa Township Zoning Administrator

¹ It should be noted that the Zoning Administrator recently indicated that the Property is located within the R-1A Residential zoning district pursuant to the Zoning Ordinance, which is erroneous.

Cass County Road Commission

Board of Commissioners:
Leroy Krempec, Chairman
Clifford Poehlman, Vice Chairman

Roger Bowser, Member
Thomas Celie, Member
Pete Fournier, Member

December 15, 2011

Mr. Roland Johnson
MI/DNR Parks and Recreation Division
Plainwell District Manager
Plainwell Operation Service Center
621 North 10th Street
Plainwell, Michigan 49080

Re: Potential Boating Access Site

Dear Mr. Johnson:

The Cass County Road Commission supports the conceptual plan to establish and maintain a Boating Access Site on what is known as the "Dock" property in Ontwa Township in Cass County.

This site has been used for many years, in an informal manner, for boaters to access Eagle Lake. This site also has the potential to access Juno, Christiana, and Painter Lakes to the east from a common property. The formal development of a safe and effective access for boaters would be a benefit to the community at a site historically used by boaters and fishermen.

If you acquire the property the Cass County Road Commission looks ahead to a cooperative effort to establish a safer public access to Eagle Lake at this location.

Sincerely,



Joseph J. Bellina III, P.E.
Chief Engineer

Eagle Lake Land Acquisition – Conceptual Site Layout



NOTE: The layout is conceptual in nature. Through the design process changes may occur that differ from what is shown in this draft. The development process will include working with local units of government and gathering public comment to develop a final design.





Public Comments and MDNR Responses

Eagle Lake Land Acquisition

To streamline the amount of information collected, information was reviewed and efforts were made to remove repetitive comments, personal information, simple declarations of for or against, opinions on the comment gathering process, and analogies related to comments. The intent of this document is to present collected comments and questions that are specific to the land under review as well as issues directly related to the land under review.

TOPIC 1 – Lake Information; Lake Use; Carrying Capacity

Comment/Question:

- When conducting a carrying capacity analysis for development was it to the waters edges?
- When conducting a carrying capacity analysis for development did it include no wake zones?
- When conducting a carrying capacity analysis for development did it include 100 feet from piers, rafts or swim area?
- When conducting a carrying capacity analysis for development did it include channels?
- When conducting a carrying capacity analysis for development did it include Christiana, Juno or Painter?
- When conducting a carrying capacity analysis for development was the depth considered? The average depth is 9 feet. The 35 feet is only 2% of the lake.
- Already too many boats on Eagle Lake with Bass tournament, sailboat racing, and many recreational boats.
- Lake is very shallow and will get cluttered up more with the addition of more boats.
- With so many boats it will be very dangerous to be on the lake.
- Want lake taken care of and not ambushed with more boats.
- Capacity of the lake is already at its maximum. This additional usage will result in water cleanliness and safety issues.
- 41 parking spaces far too many.
- Concerned about number of boats added to Christiana Lake.
- Eagle Lake is a small, shallow lake with large boating density already. Adding more boat traffic without land ownership to support it will degrade the lake. This proposal would add dangerous traffic to an already busy lake (where public access already exists).
- Concern with lake carrying capacity (sailing club history of lake).
- Can Eagle handle more boats in Lake?
- We do not have the minimum square miles even to have the state put in a public access.
- Our lake already has the maximum number of boats per acre of lake. We don't need more boats intruding.
- We already have a high number of boats on the lake for its size of only approx. 379 acres, adding 41 parking spaces will cause unusual traffic congestion on Eagle Lake road which is already crowded along the public swimming beach.

- This lake is too small to permit 25 foot boats
- This lake is much too small to have a significant increase in boat traffic.
- Eagle is not a deep lake – only 2% is 30-35 feet deep – the rest is 10 feet and under. The east end of the lake, where the launch will be is very shallow – 4-5 feet on average.
- For 64% of the lake, the average depth is *less than* 10 feet. This means that boats can't spread out over that entire 379 acres, but have to crowd into the deeper areas.
- Eagle Lake is heavily used – upwards of 85 sailboats plus 300-400 resident boats. Another 40 or more boats is a real safety concern!
- Cass County is the smallest of the neighboring counties and we now have 22 public access sites. More are not needed.
- Carrying capacity estimates range from 5-15 acres per boat per one study found. In considering lake acreage for boating there should be a 100 foot buffer from docks, and area less than 3 feet deep should be excluded. Even if we consider the entire Eagle Lake at 380 acre, at 10 acres per boat, a 40 boat addition would by itself exceed the carrying capacity of Eagle Lake. We can and should work these numbers for type of boat, acreage excluded, using other estimates of capacity, etc.
- At peak times (weekends, especially holiday weekends) the lake is overcrowded. Even though carrying capacity cannot be measured precisely, it seems critical to consider.
- Restrict use to the type of activity such as a family in a low powered boat enjoying fishing.
- There would seem to be no way to limit the activity once you make the site, it is all comers.
- The current plan with 41 proposed parking spaces seems way too big for this lake. Most of the traffic will go to Eagle Lake, as the channel to the PJC chain is not navigable by any but small craft.
- Eagle Lake is a small lake, only 379 acres, and very shallow. Concerned about the number of boats this will add to an already very busy lake.
- Public has always had access to Eagle Lake and not saying they should not have access as they have had in the past. It becomes a public safety concern when the carrying capacity of the lake is not sufficient to handle a larger number of boats. Development of this new DNR access point to Eagle Lake contributes to the safety concern.

Response:

- ✓ *Per the Public Trust Doctrine it is the public's right, whether a lakefront owner or visitor to a body of water, to use of those public waters in the State of Michigan, including Eagle Lake.*
- ✓ *Although it has been indicated that a large quantity of watercraft are owned by riparians alone, observations have not identified an overly utilized lake or the potential for this to occur after acquisition and development of a public boating access site. The Michigan Department of Natural Resources (MDNR) suggests that while most riparians may own multiple watercraft, less than 100% of them are used at any given period.*
- ✓ *MDNR guidelines identify up to twenty-five (25) vehicle/trailer parking spaces per boat launch ramp lane. The parking space quantities are based on a design guideline of a minimum of one parking space per 15 water surface acres. MDNR also considers, among others, size of parcel, topography, existing shoreline development, existing vegetation, soil conditions, configuration of the site, and vegetative buffers when laying out a site. At Eagle Lake, given that the project has not yet been designed or engineered we cannot define a specific amount of parking spaces.*
- ✓ *Any lake, regardless of its size, offers different boating experiences, both in terms of recreation and its natural resources. As one of the largest lakes in Cass County, Eagle Lake offers a great variety of boating experiences, and more opportunity than smaller lakes. This includes us by an array of recreational boating vessels from canoes and kayaks to fishing boats and sailboats. The use patterns of these various types of vessels also are not consistent, and can vary based on the time of day, the season, fishing conditions, weather, individual boater preference for boating, and other factors. This inconsistency creates conflict when attempting to determine a specific capacity for such a fluctuating water recreation system. To quote from a document titled "Recreational Boating Carrying Capacity: A Framework for Managing Inland Lakes," from the proceedings of a workshop held at Michigan State University on August 23, 1995, it states "Many recreation studies have determined that there are wide variations in people's perceptions of crowding, and simple counts of the number or densities of users do not correlate very well with these perceptions."*

- ✓ *The property has been the location of a launch for 50 years, and it has had upwards of 70 vehicles with trailers in the parking lot. MDNR's development goals do not call for this many parking spaces, and this site would be the only location on the lake regulated based on available parking. However riparian properties and other access points could see unlimited numbers of vehicles with trailers.*

TOPIC 2 – Other Launching Facilities; Studies; Demand

Comment/Question:

- Ramps-already have one in channel at north end of vacant lot.
- There are already public access points on the lake for fishing, boating, swimming.
- On Christiania Lake and already have a public launch site plus two campgrounds. Do not need another launch from Eagle Lake. Cannot use Eagle lake, why should Christiana Lake have an overload from Eagle lake to Christiana.
- Eagle and Juno/Christiana/Painter Lakes already have public access sites.
- None of the studies have been done prior to the purchase-weed control, safety, occupancy capacity, thread line studies, water depth.
- There is a public ramp with parking on the south side of the lake. That launch site could be improved with the removal of two trees.
- There is an existing road side that provides access to the non-boating public.
- Eagle Lake is substantially developed with a community boating facility which adds over 80 sail boats to the number of boats using the lake.
- There are two existing boat access points on the lake which have served the non-resident population for over 50 years. Additionally, there are multiple road end points all around the lake.
- As far as an access point to lakes Christiana and Juno, you already have an access why develop another?
- Eagle Lake does currently have public boating access, although none of the access points meet DNR standards as a "boating access site."
- How many of area registered boats are permanently located on one lake or stream for the entire season, and how many are actually out looking for a place to put in? That would be a more helpful number to consider when looking at the need for this access point.
- DNR was not aware that there was a public access to Eagle Lake on Brady Rd. Many fisherman use this ramp to access the lake and have for years.
- It is a very unique location due to the potential access to multiple lakes. For many years, private owners of this property allowed launching and fee parking (\$5.00) at Eagle Lake. It will be wonderful for the DNR to return this launch to our area.
- The access to Eagle, Juno, Christiana, and Painter lakes has deteriorated since parking has been restricted at Eagle and the public launch area at Juno was re-done.
- Obtain the property to provide the public with these much needed improvements.
- DNR has not prepared an Environmental Impact Study in compliance with regulations issued by own department.
- Better option than condos which were a concern a few years ago.
- Want acquisition and development of the access site between Eagle and the Juno Lake chain, with the loss of parking at Juno. More spaces are needed and the plan will fill a glaring need. Allowing access to Eagle will be a bonus.
- Need a nice ramp to be able to get in to fish and boat.
- There used to be public access areas at all lakes, however as more population expanded these access areas were taken over by local homeowners, now extremely limited to lakes.
- Want a place for all the county residents to use and enjoy.
- Nice to go to a body of water and see and use an access that is user friendly to boaters as well as the land owners.
- With safety and appearance in mind this would be a nice addition to our lakes in the area.
- A boat launch is long overdue at Eagle Lake.

- One of Cass County Board of Commissioner's projects was to gain access for the public on the lakes in Cass County
- Eagle Lake is fine body of water with quite limited access.
- The land acquisition at Eagle Lake and the establishment of a quality launch site for Eagle Lake appears to be a "win-win" for the Eagle Lake residents and area fishermen.
- It will be great to see the state of Michigan purchase this property not only for much needed current use, but for the use of many generations to come.
- Project will be an asset to the area.
- Am an active boater and fish many lakes in MI but have not been able to enjoy these bodies of water due to lack of public access.
- Project will be beneficial for more residents to enjoy and possibly even begin enjoying the outdoors as result of the planning for the property.
- Send current proposal back for more study.
- Can see families who have limited time now enjoying this resource due to proximity and access.
- Would mean so much to be able to introduce the fun of fishing, the relaxation and sense of exploration in paddling around in a rowboat with my granddaughter and grandson via this access.

Response:

- ✓ *The public has a right to access public water bodies, and enjoy the fisheries and other natural resource opportunities. The objective of the MDNR Waterways Program is to support public boating access to Michigan's Great Lakes, inland lakes, and streams. This includes the acquisition, development, and operation of facilities to provide safe boating access to enjoy the public's waters. The MDNR looks to provide a public boating access site that will be sustainable into the future. Any private launches or road endings are not sustainable alternatives as they are limited in existence based on each particular property owner's volition. The addition of a public boating access site will be beneficial by providing safe boating access to riparians and lake visitors, and through the use of current design guidelines and standards will protect environmental features on and around the site (such as improved storm water system design).*
- ✓ *The need/demand for public boating access on Eagle Lake is very high. It is the fifth largest lake (at 379 acres) in Cass County and does not provide public boating access. Additionally Eagle Lake has a variety of boatable depths up to a maximum of 35 feet deep. Per May, 2013 data, there are approximately 8,961 watercraft registrations in the County and only 22 boating access sites providing a total of 279 parking spaces. That equates to roughly 32 registered boats per parking space in the County. This number does not include non-residents that travel to Cass County to utilize boating access sites nor does it include boaters coming from the state of Indiana to enjoy Michigan's natural resources. When analyzing the region that includes the counties of Cass, Berrien, Van Buren, Kalamazoo, and St. Joseph there are approximately 56,890 registered watercraft as of May, 2013.*
- ✓ *Other locations have been evaluated on Eagle Lake and they do not provide sufficient space for all the essential elements of a boating access site. This includes, in addition to a launch: vehicle/trailer parking, ADA (Americans with Disabilities Act) accessibility, and an adequate maneuvering area for vehicles with trailers. This lack of space creates substantial concern for public safety. In regards to road ending access points they are subject to the confines of their easement or dedication boundaries. For this reason, they do not meet the size requirements to provide a vehicle/trailer maneuver area and parking, in addition to a launch ramp.*
- ✓ *The MDNR has reviewed other available Eagle Lake property in the past, however it had limitations with being in a residential development and the land lacked potential for providing adequate buffers between a potential site and nearby housing.*
- ✓ *The MDNR has had on-site discussions with the Department of Environmental Quality and they have not expressed any objection to the proposed acquisition and development. The MDNR Fisheries Division has been involved in the process and supports the acquisition to provide fishing opportunities to the public and does not see a negative impact to fisheries with the acquisition and development of a boating access site.*

TOPIC 3 – Acquisition Process and Land Ownership

Comment/Question:

- The DNR did not approach the land owners seeking to acquire the land. Rather, the owner of the land, an Indiana bank, sought out the DNR and the DNR seems to have treated this as a way of using a budget of government money supplied by the taxpayers.
- There is considerable disagreement on the ownership of the existing boat ramp. Clarification of this issue could have significant impact on the site development.

Response:

- ✓ *The MDNR has been aware of this property for sale for quite some time, but it was the realtor for the property that approached the MDNR about a potential purchase for public benefit.*
- ✓ *The ramp itself falls within the same ownership as the structures and property across Eagle Lake Road. The road right-of-way does not include the entire ramp or pier that exists today. The MDNR has been in contact with the County and is willing to continue to work with the County Road Commission for development of a safe boating access site facility.*
- ✓ *To allow local units of government an opportunity to purchase the property in lieu of the State, Public Act 210 builds in a period of 90 days for a local unit to respond to that request. The MDNR also gave public notice of the pending acquisition, via a press release, announcing a public open house on the matter.*

TOPIC 4 – Local Government and Stakeholder Process and Involvement**Comment/Question:**

- Was there, or has there ever been a vote of the township to approve this type of development?
- Does this development tie into the township master plan for development?
- How does the DNR overlook the fact that the “Dock” property is presently zoned “Lake residential”? While “parks” might be included in lake residential zoning, what’s being proposed by the DNR far exceeds that definition of parks.
- Zoning ordinances do not provide for a boat facility or park on the subject site.
- Letters provided by the Township and the County Road Commission were not approved or authorized by the appropriate elected body.
- The project is in no way included in the master plan of the township.
- Is Edwardsburg on board with this process?
- Has the DNR spoken with any township officials about the acquisition?
- Cannot find Cass Co. Road Commission authorization the DNR reports they have received.
- No reasons why DNR should be allowed to create a facility which violates existing local ordinances which specifically prohibit exactly what is being proposed.
- No design plan was offered for review. This needs to be approved by the residents/township officials before purchasing the property.

Response:

- ✓ *The MDNR has discussed and met regarding the potential land purchase multiple times with various entities including representatives from Cass County, Ontwa Township, Eagle Lake Improvement Association, and Painter/Juno/Christiana Lakes Association. A gathering occurred at Ontwa Township hall in September, 2012 where attendees included both representatives from Ontwa Township and Eagle Lake Improvement Association. In October, 2012, the MDNR attended an Ontwa Township All Lakes Coalition meeting. In March, 2013, the MDNR met on site with representatives from Ontwa Township, Cass County, and the Department of Environmental Quality. In May, 2013, the MDNR met with representatives from the Eagle Lake Improvement Association and the Painter/Juno/Christiana Lakes Association, and a Cass County Commissioner was present as well. On May 30, 2013, the MDNR held a Public Open House whereby representatives from Cass County, Ontwa Township, Eagle Lake Improvement Association, and Painter/Juno/Christiana*

Lakes Association were present. All of these gatherings and discussions were for the evaluation of the land for purchase and eventual development of a boating access site.

- ✓ *Prior discussions with Ontwa Township have included zoning requirements and the MDNR was informed the Township would be willing to work with the MDNR in regard to development of a boating access site and compliance with Township zoning.*
- ✓ *In April, 2013, the MDNR sent letters to both Ontwa Township and Cass County per Public Act 210 notifying each of the land for sale and asking if either would be interested in purchase and development into a boating access site. Per prior communications neither the Township nor County is interested in purchase for development of a boating access site.*

TOPIC 5 – Planning and Design

Comment/Question:

- Build a fishing pond for kids and stock the pond.
- Build restrooms with sewer and running water.
- No boat launch into Christiana Lake unless channel dredged.
- Put a carry in access for canoes and kayaks with auto parking nearby.
- Concerned with parking.
- Interference with public beach area.
- A launch ramp that requires a user to cross Eagle Lake Road is neither safe nor efficient. If you insist on constructing a launch ramp you must design it in such a fashion as to avoid this problem.
- Plan was preliminary, without specifics and one that might not be representative of a plan which public comment was being asked.
- This property has become a liability. I like the idea of the DNR purchasing it but we need some parking, rest rooms and trash cans.
- It has not been determined clearly if the proposed ramp can be constructed without violating riparian rights. No thread line study has ever been approved by the appropriate court.
- Eagle Lake development coupled with access to the channel leading to the Juno Chain would certainly improve access to both bodies of water.
- Provide as many boat/trailer parking spots as possible to accommodate public use of both bodies of water.
- Create a wider channel and bridge over Eagle Lake road that would provide boaters access to either body of water. That would also eliminate the need for two ramps, although I think doing so could create congestion at the lone ramp.
- Solicit input from fishing clubs regarding design of the parking lot and ramps to avoid problems that were created at the Juno redesign. The anglers who use these access sites often could provide valuable input and ideas that engineers frequently overlook. They also would make great partners and provide services, if not some funding, to enhance the site beyond the original concept.
- Like the idea of the fishing pond for families and children. A lot of fishing clubs in the area who conduct kids fishing clinics and this could provide a tremendous site and resource for such a project.
- The attraction of this site is enhanced by access to PJC lakes and it has not been determined if this access can be useful without dredging private property or if such approval would be granted by the owner.
- Eagle Lake is only 380 acres and is below the threshold for installation of a boating access site per DNR guidelines.
- Concerns about the acquisition of the Dock property and proposed two ramps, parking for over 40 vehicles and trailers.
- Make the ramp at least 2 lanes and enough parking for trucks and trailers in the 25-40 amount.
- Create exact plans on how a site is to be designed as that is exactly what the private sector is required to do for any permits or development of property. There needs to be more revenue sharing, you say it is law that we cannot do that.
- Southeast end of Eagle Lake is very shallow. The area under consideration for a ramp is less than one foot deep.

- The current deeper area that is being used as a launch facility is deeper because it has been dredged multiple times over the years.
- As the prevailing winds continually sweep sand into the area, any dredged areas must be continuously maintained.
- There is a sandbar that runs from the end of the existing wood dock out into the lake for a distance of about one eighth mile. This sandbar creates a shallow area that is less than waist deep for an adult
- The prevailing winds are from the Northwest. This results in all debris from the lake eventually being blown onto neighboring property and the triangle of land being considered.
- Boats cut up or churn up many weeds which eventually arrive in the Southeast corner of lake. Concern that there will be no place for the weeds and debris to go, as the plan would create a natural trap for all of this material.
- Be aware that winds sweeping across the length of the lake can become very powerful.
- Prevailing winds blow lake debris carried by waves.
- Any structure placed in the lake, such as a movable pier, will need to be anchored to the lake bottom.
- Accumulation of sand in front of the existing (barely) seawall in front of the property is why many lake residents are so concerned with the addition of a "real" launching facility. The area is used by lake residents for partying - they raft their boats, get out and stand in the water (only waist deep in that area) drink and play loud music for hours on the weekends.
- Limit boat/trailer parking to 25 units
- Open/connect the chain (Eagle to Christiana channel), dredge channel going to Christiana Lake
- Provide assurance that the site would include perhaps only a few parking spots.
- May support if could be guaranteed to be much smaller in scope, better situated, and provisions made to help the Township deal with increased crime, trash, and boat traffic
- This parking area and ramp will also be used for cars and trailers carrying watercraft other than fishing boats.
- The idea of a fishing pond is a fantastic idea and believe it would become a great asset for community. It would be so nice to give the kids a spot to be kids and develop a love of fishing and the great outdoors!
- Many requests for a location for kid's fishing and if the fishing pond is implemented it will fill this need.
- Will there be toilet facilities or several other important items?
- How many parking spaces will there be?
- How will inevitable traffic problems be handled?
- Limit or abandon the new boat ramp.
- Good parking and a nice ramp would be great for our area.
- Need a nice ramp to be able to get in to fish and boat.
- Limited parking has discouraged me from fishing lakes there. Juno access is poorly configured and the parking space redesign has reduced the number of spots available.
- With splitting the boat traffic each way, the impact should prove to be minimal.
- Want acquisition and development of the access site between Eagle and the Juno Lake chain, with the loss of parking at Juno. More spaces are needed and the plan will fill a glaring need. Allowing access to Eagle will be a bonus.
- With splitting the boat traffic each way, the impact should prove to be minimal.
- Proposed development would add auto and people traffic to an area of lake with no facilities to support them (sewage, etc.).
- My concerns are the channel going out from Dock to Lake is already a one lane and during a drought almost not usable.
- Possibility that a channel could be dredged with grants and possibly an assessment. May not the right to choose where you put boat launch but do have the right to fight any assessment for something that will not benefit. This only brings us more headaches and problems to a lake that is already hard to maintain with so much undeveloped shoreline.

- If not dredged the channel will fill in then it will be the lake resident's problem to fix it so they can have the use of a lake they pay high taxes on.
- The channel to Painter, Juno and Christiana needs to be dredged – who will pay for this and who will maintain the channel. This should not be left for the lake residents to pay for!
- Ramp for PJC lakes leads to a shallow one lane path to the PJC lakes.
- There is already a ramp on the PJC system, so it would appear the 40 potential boats will all go on Eagle. The channel cannot be dredged for various reasons beyond the control of the DNR.
- I do believe that another ramp for Juno would be a mistake. That channel is too narrow and shallow to add more traffic on it unless you are planning on dredging and making wider.

Response:

- ✓ *The land is assessed for potential acquisition and development by looking at several items. This includes lake information (size, depth, connectivity to other lakes), wetland presence on site, size and shape of parcel, fisheries, proximity to public road system, number of registered watercraft in county and region, and other factors. A willing seller is also an important factor.*
- ✓ *The MDNR identifies a boating access site as having a launch ramp, parking area, and vehicle-with-trailer maneuver area. By comparison, a typical "public access site" may provide only some of these features.*
- ✓ *For this potential acquisition and development, the proposed site amenities include launching opportunities to access Eagle Lake and the chain of lakes consisting of Christiana, Juno, and Painter Lakes; maneuvering area for each access point; parking; and a toilet facility. The site will meet Americans with Disabilities Act Standards for Accessible Design, including providing designated accessible parking, an accessible restroom facility, an accessibly surfaced skid pier, and accessible routes between elements. Additionally, the MDNR would look to retain natural buffers between the site and neighboring properties. The MDNR is also considering the addition of fishing opportunities through utilization of the existing pond on site.*
- ✓ *When compared statewide, preliminary investigations have found the property constraints will support a small to medium size boating access site. MDNR designs inland boating access sites, such as Eagle Lake, to accommodate boats up to 26 feet long.*
- ✓ *The MDNR must adhere to all Department of Environmental Quality (DEQ) permitting requirements to ensure a viable and safe facility, and protect the natural environment.*

TOPIC 6 – Funding

Comment/Question:

- With shortage of money in the State of Michigan could put the funds to better use.
- Why invest 600k in a property, why not invest in necessary man power to monitor lakes to make them safer?
- Instead of using funding to improve access why not utilize funds to improve the waterways?
- Inappropriate to invest public funds without a plan.
- It is not a good use of taxpayers' money to buy land and then to plan and determine how to use it in an unsafe fashion.
- Inappropriate expenditure of \$600,000 before all development issues have been resolved.
- According to DNR guidelines of 15 water acres per boat parking spot, Eagle Lake can only support 25 spaces. The development of \$700K to \$800K for a boat access point is not a prudent use of taxpayer funds as it will only serve a total of 25 to 41 boaters and potentially fewer as site development is completed.
- There seems to be a mission by the DNR to buy and develop lake access with state funds. The capital improvements budget for development seems large, however, it was also stated are limited or no funds available to maintain the site after development. No funds for maintaining restrooms, boat wash, and trash pickup.
- Great use of all of our tax dollars.

- DNR has the responsibility for using public money wisely. Buying property today in the hope that all the problems endemic in DNR's plan will disappear is fiscally irresponsible.

Response:

- ✓ *The purchase price is \$600,000 with funding slated to come from the Michigan Natural Resources Trust Fund's Southwest Eco-Regional Land Consolidation fund. There will be no Waterways Program funding used for the purchase of the property. Eco-Regional funds are strictly for land acquisition including those lands for future development of boating access sites.*
- ✓ *Funding for the development, operation, and maintenance of a boating access site is slated to come from the Michigan State Waterways Program. The charge of the Waterways Program, by legislation, is to provide safe public boating access facilities on Michigan waters. Waterways funding is derived from boat registrations, marine fuel taxes, and user fees and is, by law, restricted to uses related to land acquisition, waterways facility development, and operations and maintenance of such facilities. No funding to develop and operate the facility is from the State's General (tax) fund. The Waterways Fund revenue sources are separate from hunting, fishing, and other MDNR programs.*

TOPIC 7 – Road Influence

Comment/Question:

- Dangerous curve at bottom of hills for launching.
- Please research this more and get the big and best picture for the lake.
- Restrict parking along Eagle Lake Road.
- Increased road traffic around the lake.
- The proposed public access is not a safe place, cars are coming along the road at 40 miles per hour and all a sudden there is a boat across the road trying to be put in the lake.
- Safety-ability to have traffic traveling north bound down the hill to have visibility and capability to maneuver safely. It is currently dangerous and with increased traffic (both foot and vehicle) will have increased potential for accidents.
- How do you plan to take care of road traffic on Eagle Lake Road?
- Backing boat trailers across a public highway where there is a public beach with a number of children who wander into and along the roadway is horribly heedless of public safety.
- Already problems with congestion and folks that parallel park along Eagle Lake road, adding an additional 40 spaces will magnify the current issues.
- Parking will still be permitted along Eagle Lake Road. Most summer days 15-20 vehicles are parked there which adds to the congestion and safety concerns.
- The proposed maneuvering triangle is not large enough to accommodate the proposed boat size of up to 26 feet.
- An accident happened on the hill on Memorial weekend.
- Eagle Lake Road is a high traffic road – it cannot safely handle 30 to 40 vehicles and trailers crossing to launch their boats.
- Perhaps ownership of the road itself can be resolved, as this appears to have been contested in the courts many times over the years.
- With former parking areas closed for public parking, those who trailer watercraft to the lake park their vehicles and trailers along the road right of way. If the soil is wet, they leave ruts in areas.
- Four vehicles have plowed into neighboring yard as they failed to negotiate the curve.
- Work with the Road Commission of Cass county to utilize the current area that is supported by the deteriorating wooden seawall as part of the maneuver area for the launch ramp. By moving the entrance or exit to this area further North along Eagle Lake road, crossing traffic will be farther from the curve and hill that is of concern to many lake residents.
- The lake is right at the roads edge at the proposed ramp. It is not possible now to launch a boat without having a car blocking the street. For 40 boats it would be possible to have 80 or more crossings of the road by vehicle and trailer, and/or having the vehicle blocking the street during

launch and retrieval. If the vehicle projects into the road, and launch and retrieval take 3 minutes, then the road will be blocked for 240 minutes or 6 hours – nearly constant during the day.

- Even if a ramp can be built to allow launching without vehicle projection into the street might involve filling in a part of the lake (can this be done? Is it proper to fill in a lake?) or moving the road (expensive) the 80 crossings will be dangerous by themselves. The site just isn't right for this activity without major and expensive revisions.
- It would be great to provide safe, ADA-compliant access, but I don't think the proposed plan will be safe. Speed limits are not well enforced on this road.
- The point of access on Eagle Lake Road is already a congested area on weekends and holidays because the entrance to the area is located on a curve, at the bottom of a hill, and is across the street from the swimming area used by the public. And people coming to swim park their cars along Eagle Lake Road.
- Not fished Eagle Lake because don't want to park vehicle on the side of the road.
- It would be nice to be able to park truck and trailer in a parking lot. Not on the side of the road.

Response:

- ✓ *The property on the lake side of Eagle Lake Road has considerable lake frontage and may even offer opportunity for a stacking lane. This, combined with a parking lot layout to support the flow of traffic, would reduce the conflict of stacking on Eagle Lake road.*
- ✓ *Currently, users park along Eagle Lake Road creating safety concerns. With development of a boating access site, parking could be redirected to the parking lot area away from the road*
- ✓ *Re-establishment of shoreline will help to protect Eagle Lake Road from erosion and the lake edge from migrating closer to the road.*
- ✓ *Through the planning phase the MDNR would look at options to improve safety such as clearing a portion of the vegetation near Eagle Lake Road to open up views to the curve in the road. The MDNR would also look at signage and working with the County on improving the safety.*

TOPIC 8 – Site Operation and Maintenance

Comment/Question:

- Landing is horrible and it belongs to Cass County and they don't have time or money to take care of the property.
- Need the DNR to maintain the area for future boaters.
- Concerned about additional problems of maintenance of the park and supervision of increased activity there
- Attendance covered on weekends.
- Who takes care of safety, trash and waste?
- Who will maintain (and upkeep) the boat launch area, and who will pay for this? (Restrooms, trash cans, etc.)
- Charge to use the ramp use proceeds for lake improvement.
- Priority for DNR should be ensuring waterways are maintained at current level or improved.
- No plan for the development, management and maintenance of the property; therefore there is no way to determine judgment and appropriateness of a nonexistent plan.
- Have a DNR rep come to the lake one to two days after a fishing tournament and count a cleanup dead fish, mostly bass and blue gill. Trash and sanitation- who will provide cleanup for this, neither the Twp. nor county will provide this service.
- There has been no discussion as to how the area will be supervised.
- Trash left behind is a great concern.
- Local and county government has not maintained this area, even though they have repeatedly stated that it is for "public use".
- Strongly favor this being a fee area, closed at night, and patrolled regularly.
- Will generate a lot of trash on land.

- For the past 27 years Lunker's has held a 50 boat bass tournament on Eagle and the Juno chain. The Dock property has served as central starting point and weigh-in location. The ample parking opportunity has allowed running this tournament smoothly year after year.
- DNR doesn't know whether or not there will be an attendant.
- Make site well organized and maintained.
- The site has been used by several land owners of the dock who charge for parking with no great problems.
- Although I realize that the public has every right to access any lake in Michigan I have grave concerns about adding 40 plus parking spaces and boat access to Eagle Lake by the State of Michigan without providing bathrooms, security, clean-up and due diligence to make sure that lake remains safe and clean.
- Opening the lake to everyone for easier access without providing services to assure cleanliness and safety is really objectionable.
- Concerned with cleanliness of area.

Response:

- ✓ *The MDNR operates and maintains hundreds of boating access sites across the State. For a boating access site at Eagle Lake in particular operation and maintenance would be handled with staff out of Warren Dunes State Park. Staff typically perform general maintenance tasks at all sites twice per week. General maintenance tasks entail the cleaning of toilet buildings, replacement of toilet paper, clearing walkways & ramps, replacement of signs, and picking up litter/trash.*
- ✓ *MDNR has leased operations and maintenance to local units of government and is willing to discuss that further with the County and/or Township if a desire exists.*
- ✓ *In regard to a need for staffing, the MDNR is aware of the benefits of having someone onsite and would continue to evaluate this as part of the planning phase to look at anticipated use patterns and other information. Of the 49 developed boating access sites in the area that are administered by Warren Dunes State Park, only two are fee sites that require staffing to control site flow and assist the public with site questions.*
- ✓ *Site overuse is controlled through the use of signs, the cooperation of state & local enforcement officers, occasionally by land use orders of the director, and through local site rules such as night-time site closures.*

TOPIC 9 – Law Enforcement; Marine Safety

Comment/Question:

- How and who will enforce *any* rules or laws in any 24 hour period (Ex. Launching boats, hours of operation, regulate parking, etc.)? We are short as it is for law enforcement in this particular area already.
- Please monitor wave runners and direction of boats on lake.
- Want more DNR on lake.
- The DNR will not police. Conservation officers haven't been in this area for years and the local law enforcement can't find the keys to the police cars. We don't need the boat traffic, car traffic and smelly fisherman.
- There currently is no sufficient funding for the sheriff's department to provide safety patrols on Cass County lakes. What will the DNR do to solve these problems?
- Is the DNR going to patrol the site?
- Need to really understand lake traffic and safety. Who will be in charge of safety on lake?
- There will be zero enforcement of littering laws, boating laws, and traffic safety laws. Have repeatedly seen violations of all the aforementioned laws by boaters who are from off the lake.
- You have only one officer patrolling all lakes in Cass County, he does the best he can but cannot be everywhere. I assume only One officer is due to budget constraints.
- DNR feels they have a responsibility to let more boaters use the lake but responsibility should be to keep the natural resources from declining.

- No monitoring (or inadequate) of boats, rest rooms, etc.
- Second ramp doesn't sound usable so all traffic comes to Eagle, no enforcement of waterways for additional traffic.
- Safety-traffic, parking, speed on lake, jet skis, speed on road.
- Water safety- if in any given day or days, residents of lake and visitors to lake exceed the common sense capacity of the lake in terms of boat capacity, who will police this activity and who will pay the cost?
- Who will pay for injury to those on lake by too much use?
- With additional boaters that are unfamiliar, could increase chance for boating accidents.
- DNR funding is decreasing so how will local ordinances for speed have a chance of being enforced.
- The local sheriff and county authorities lack the resources to police the lake.
- There have been a number of boat accidents on this lake. The introduction of more boats will significantly increase the risk.
- The acreage available for high speed 200HP boats is a lot less than it appears. Drop in boats already don't follow the counter clock wise travel, and more boats will make it more dangerous.
- Seems to be no funds for law enforcement. More boats need more enforcement, especially of the week ends. We already have boats flying around after sundown and skiing right after sun up. Noise from the big wake boats and the music after dark travels.
- You know it will increase traffic, yet you have no provisions to step up marine patrol.
- An unattended launch could possibly raise our crime level even higher. We have many reports of vandalism and a very active drug problem in Cass County.
- Noise level is a great concern.
- Inadequate enforcement of existing statutes and regulations. Without adequate enforcement, problems will continue.
- The parking area will become a magnet for drinking and partying in off hours, a problem for residents, township, and county.
- This increased traffic by larger motorized craft will decrease the safety of all the other users of the lake, but particularly swimmers, kayaks, and sailboats.
- Extremely concerned about safety in the parking lot of this proposed access point. It is easy walking distance to several economically depressed areas. Drugs, crime, theft, break-ins are a potential impact. An unattended parking lot with as many as 40 cars whose owners are guaranteed to be out on the water all day will be very attractive to thieves.
- Current public access sites are widely misused, especially at night, for drugs, sex, fights, and vandalism.
- Ontwa Township has only three police officers to patrol 24 hours a day, seven days a week, and with only one officer on duty at any given time, they are hard-pressed to keep up with existing crime levels.
- A big unattended parking lot with a boat ramp and a bathroom will surely be a hot spot for all kinds of late-night partying and crime. At the very least, it is going to be covered in broken glass and garbage. I understand that no trash receptacles are planned. Please be mindful of the problems a large access point can introduce to a small community.
- Concern that the DNR rarely comes to Eagle to Police the Lake
- Didn't sound like enforcement was in the DNR's budget or the DNR's concern.
- On weekends the lake is very busy and on Holidays can be dangerously so.
- The Cass County Sheriff's department does not have funding or manpower to adequately patrol the busy lakes in Cass County now and we cannot expect them to help. This becomes a safety hazard for everyone.
- Access should be available for everyone but it should be a safe environment that can be enjoyed and protected.
- DNR doesn't have a plan on insuring that the additional boats launched on the lake will not cause safety issues.
- Security issues double with an increase in high powered type of boating as well the noise pollution due to the blasting speakers of the wake board boats. We all have a responsibility to be stewards of our lakes and prevent abuse.

- Although right-of-way laws exist to regulate boat traffic, you only need to observe on any busy weekend to see that no one is enforcing them currently, and I understand no new enforcement is planned.
- Now you are giving us more boats who will not respect the lake, they will throw their trash and not follow the rules because most do not care.

Response:

- ✓ *Policing this boating access site will be a cooperative effort between MDNR Rangers, MDNR Conservation Officers, and local law enforcement agencies.*
- ✓ *A public boating access site will also promote boater safety by directing boating access activity to a select area versus boat launching at less supportive locations.*
- ✓ *It has been stated by MDNR Law Enforcement on similar lakes that around 8 out of 10 subjects cited/arrested are usually one of the following: a riparian owner, a relative of a riparian owner, or a friend of a riparian owner who is visiting. This includes violations of both the Marine Safety Act and the fish/game laws.*
- ✓ *Steps can be taken to explore the idea of a local watercraft control ordinance if the lake association and township are in favor. The Township can work to create an ordinance with the riparians and MDNR.*
- ✓ *Conservation officers spread their enforcement time between several activities during the summer months. Although they spend much of their time enforcing marine and fish/game laws, they are also obligated to enforce laws that take them off the water. Conservation officers work with the local sheriff's department to ensure the best coverage allowed.*
- ✓ *The development of boating access sites includes a dedicated parking space for authorized personnel such as law enforcement. A space available assists by getting the officer on the water in the shortest amount of time to respond to emergencies and complaints. In some cases, minutes and seconds count. This does not exist currently and, therefore, creates limitations for enforcement on the water.*
- ✓ *With public boating as part of the MDNR's mission, we care greatly, and work hard to protect public safety on and off the water. We do this through good design, operationally, and how we enforce the laws. The site's safety features are thoughtfully designed into the plans and ultimate construction of the boating access site. The MDNR has designed, developed, and operates hundreds of boating access sites throughout the state, enabling us to develop a high level of expertise based on these experiences. Laws are in place that govern the boater's use of the lake, which protect the riparians and their property. Incidences such as theft, vandalism, injuries, drinking, and parties are not typical of boating access sites. If issues arise, the MDNR has instituted such practices of closing facilities at night and staffing facilities.*
- ✓ *Currently, 49% of Michigan's watercraft registration revenue is used for Marine Safety on the waters of the state. This includes State grant funds for local law enforcement.*

TOPIC 10 – On-The-Water Activity

Comment/Question:

- Tournament fishermen are fun loving people and take care of the public waters as if it were their own.
- Many swimmers parking on Eagle Lake Road walk/raft 100 – 200 feet into the lake – it is dangerous to have swimmers and boaters mixed in the same small area.
- Only two lakes in Cass County have sailboat races (Eagle and Diamond). Motorboat activity and sailboat racing conflict sharply. Do schedule races at prime time on weekends, so shared use prevails and need to live with it and each other.
- Power boat people who use Eagle Lake develop proper etiquette (stay away from critical parts of the course, keep a distance and wakes low, etc) but it takes time. Those who put in from off-lake do not have proper etiquette, and are disruptive, cut between boats, zoom through or sit on start and finish lines, even tie up to and drag race buoys.

- On a summer weekend the lake is currently filled with enough jet skis and wake-boats, many not observing the rules of the lake, to make travel by kayak or swimming pretty nerve-wracking.
- An increase in traffic may make it too dangerous for kayaking/swimming/training for triathalons.
- Unfortunately, a big influx of motorized craft can overwhelm and make it impossible for non-motorized craft or individuals to exercise their own rights to use the water. It's not right for either group to monopolize the resources, but they are hard to mix together in the same location. And one can easily overwhelm and force out the other.
- Sailing on Eagle is a unique challenge due to its specific and quirky wind conditions. It is my hope that this valuable boating resource will remain available to a generation of new sailors, and not be crowded off the lake by an increase in motorized crafts unfamiliar with sharing space with a regatta.
- Each Sat. and Sun. sailboat races commence at 1pm and last for 3 to 4 hours. There are between 30-40 boats on any given Sat or Sun. that participate.
- It would be nice to believe that the boat ramp will only bring in fisherman but with Eagle being so close to Elkhart, In, South Bend and Mishawaka it is naive not to believe that recreational boaters of all kinds will be accessing the ramp. With the size of the boats that are made today and the waves that they create it will only make it more difficult for the sailors to continue to enjoy their sport of choice.
- For the past 3 years the swimming link of a triathlon has been held on Eagle Lake the same day and time as Lunker's Bass tournament. Both events have operated well together.
- With a new boat launch at Eagle, wake boarders from Indiana will begin to flood Eagle Lake.
- Fishermen are already aggravated because boats have to pass by so close to them because of all the other boating, including: high powered tri-hull pontoon boats, speed boats pulling skiers, speed boats pulling tubers in erratic patterns on the lake, wave runners, pontoon boats.

Response:

- ✓ *The development of a boating access site provides the opportunity for more frequent enforcement on the water since there currently exists no public facility to support parking of vehicles with trailers. This includes availability to MDNR enforcement, State police enforcement, County enforcement, and other local enforcement.*
- ✓ *The posting of state land rules would be done to promote a safe environment and deter the conflicts of boaters with others. Signage at the end of typical skid piers at launch ramps would also include no swimming to deter conflicts. MDNR can work with local lake associations to post other, relevant safety information at the boating access site.*
- ✓ *MDNR can work with local entities in the creation of watercraft controls for lakes.*

TOPIC 11 – Environmental; Invasive Species; Fisheries

Comment/Question:

- Have chipped in to pay for remediation because no government entities have the money for it.
- Going to spread hybrid evasive milfoil and zebra mussels, risking other waterways.
- Major concern with invasive species by increasing access but not having adequate prevention.
- Already invasive species in Eagle Lake that the increased spread is of no particular concern to the DNR. Increased public access will make problems worse.
- If the channel between Eagle and Christiania is dredged wetlands will be affected which is totally against what the DNR has told us in the past. If an individual can't dredge our channel, how can the DNR?
- Eagle Lake has developed Hybrid Eurasian Water Milfoil. Confirmed in Nov/Dec of 2012. Every lake within hundreds of miles will be contaminated. Who will pay for these new infestations? Prevention should be the first and foremost consideration.
- Curlyleaf Pondweed and Zebra Mussels are in lake. They were brought to lake and have spent thousands to treat the lake.
- Problems with invasive weeds now and it will get worse with the additional boats.

- Currently the lake residents pay for the remediation of invasive species in the lake (zebra mussels, hybrid Eurasian water Milfoil), etc.
- This acquisition will expose the lake to more possible exposure to invasive species. Who will pay for this? If the state does not help the conditions of the lake will deteriorate because the homeowners only will assume the financial responsibility for public use.
- Concerns of contamination of the lake with Milfoil, etc. because boaters do not clean their boats and MI will not be providing a washing station. Please find another lake to improve. Purchase and exposure of property in the east end of lake will have nothing but a negative impact.
- Characteristics of Eagle Lake include the contaminants.
- Eagle Lake has serious Ecological problems (water quality, Milfoil hybrid) which could be further degraded by increased traffic. Such traffic brought in by this access would not contribute to the financial costs of supporting or improving the lake.
- Water quality has declined the weeds have tripled and now it is our problem to deal with them and no one has the money to keep it up.
- This will open up our lake to cross contamination.
- Concern with quality of lake for current residents.
- Environment quality-how do we know that visiting boats will not infest the water with evasive plants or insects?
- The EL/A is already faced with higher property taxes to support remediation of weeds to keep Eagle Lake "fully navigable".
- Will DNR help with weed remediation caused by outside boats?
- Cannot purchase the property, put a launch in and say we have done our job and leave us to maintain it. You leave no comfort for any of us and you made very clearly you do not care because the public owns the water. Then let the public pay for the assessments through the fees charged at boat launch. You have to give something back to the lakes not just use and abuse them because the boaters have the right to use it.
- Take the swans the DNR thought 10 years ago it would be great idea to introduce them to our lakes. We have almost 200 swans and have shaken almost 140 eggs in the past 3 years. Not much has been done to help us take care of the problem the state created there.
- Homeowners are left to eradicate invasive species; launch users have no "skin in the game".
- With additional boaters that are unfamiliar, could cause damage to the aquatic (shallow lake)
- A boat launch to Christiania and Juno Lake is a great idea but it must have a washing station to cut down on invasive species. If we could get these things it remains to be seen who cleans rest rooms, who pays for trash pickup? Who winterizes the wash station?
- Signage does not prevent the introduction of weeds.
- The state does not do a complete job, for example- you know there is an invasive species problem- you agree that boats are a major method of transportation but you have no plans to have a boat wash.
- Lake's increasing collection of invasive species shows that non-resident boats are definitely getting on the lake! So it would seem the current access is adequate for that purpose.
- Limited depth means that boaters who are not familiar with the area, or don't care, tend to run their motors into the lake bed and stir up weeds and muck, which provides extra nutrients for the invasive plants in the lake.
- It is hard to see how the impact on invasive species will be "negligible." To introduce as many as 40+ additional boats to the lake every day from outside the area will be that many more vectors to carry new species into Eagle Lake, and to carry the lake's hybrid milfoil and other invasives to other waterways in Michigan, Indiana, Iowa, and Illinois.
- Ramp likely to more quickly spread invasive species, and the area is already unregulated and overused.
- DNR doesn't have a plan to prevent the spread of invasive species by boats launched from the facility.
- Concern over who would help in dealing with the current and future issues concerning non-native species.

- Visiting boats will add to the spread of invasive species which Eagle Lake has already acquired (Eurasian Watermilfoil, Curlyleaf Pondweed, and Zebra Mussels). The species can be spread to other Michigan lakes by the boats visiting Eagle Lake.
- Lake has been over run in the last 10 years with non-native (zebra mussels, mil-foil weeds of several types) species.
- Could ultimately hurt the fishing activity on the lake as a result of the increase in recreation boating from Indiana. There has been a large increase in "jet ski" type boating as well as the larger, more damaging wake board boats. These boats are designed to have their sterns dig down to put out as large a wake as possible. Sometimes the wakes are so big, that it allows the wakeboarder to "surf" off the wake near the stern of the boat. Since, 64% of Eagle Lake is less than 9 ft. deep, this has an adverse effect on the fishing as the bottom gets torn up and it scares the fish. Right now, these Indiana boaters bypass Eagle Lake and end up at Diamond Lake in Cassopolis.
- Out of state boaters hurts the fishing in the lake. We have already seen it with jet skis, and also across the line is North End Cycle that pushes high powered Yamaha Waveriders. Both types of recreational boats coming in from Indiana because of the easy access to the lake after the ramp is built will kill the fishing.
- Would like to have a nice place to go to fish through the week
- Bad for lake health, to many boats on lake.

Response:

- ✓ *Due to existing riparian property accesses, road endings, private launches, and other access points around the lake where boat launching activity has been occurring, the risk from invasive species has already been established for several years. The potential increase in invasive species risk, through the development of a boating access site, is negligible. The possibility of transport/introduction of these unwanted species into Eagle Lake by boats, their engine-cooling waters, and boat trailers is a situation that is current, ongoing and pre-exists the development of a publicly-owned boating access site. This impact will continue even without development of a boating access site.*
- ✓ *Another important factor to note that contributes to invasive species introduction is the natural transfer of those species. This may occur by means of species migrations through connecting water systems, rain & storm run-off, transport by fish, reptiles, amphibians, mammals within aquatic habitats (mink, otters, muskrats), and birds.*
- ✓ *The common invasive species (i.e. phragmites, purple loosestrife, curly leaf pondweed, Eurasian watermilfoil, and zebra mussels) are already present in the lake. In fact zebra mussels were first detected in Eagle Lake in 1991 per a report by University of Michigan/Mystic Seaport-Williams College Maritime Studies Program, November, 1995. A controlled access site provides more educational opportunities to encourage lake users to properly clean off their boats, trailers, and other equipment and to dispose of bait properly.*
- ✓ *Eagle Lake has a hybrid watermilfoil, which is a cross between Eurasian and the native northern watermilfoils. Grand Valley State University has identified this hybrid in about 40% of the lakes that have milfoil in Michigan's Lower Peninsula. This version of milfoil can be treated using certain methods.*
- ✓ *The development of this land into residential properties would most likely play a larger role in impacting the natural environment including the influence from lawn treatments (pesticides and fertilizers) and a greater footprint of development. Additionally a residential development may equate to several docks on Eagle Lake with several access points carrying with them a large number of boats placed for the entire season docked on Eagle Lake. The development of a public boating access site to Eagle Lake will have a very limited number of docks, potentially only one to two, with one single access point. Additionally, the MDNR intends to retain a great amount of the natural landscape on site to create buffers from neighboring properties.*
- ✓ *MDNR takes a proactive, educational approach by posting information at our public boating access sites. This includes signage notifying users to remove aquatic species from vessels, drain water away from ramp, and dispose of unwanted live bait in trash prior to entering the water. By contrast, invasive species information posted at private boat launches or road ending access points is infrequently seen. Many free publications include information about invasive species, such as the: Michigan Harbors Guide, Michigan Public Boat Launch Directory, and the annual Michigan Fishing*

- Guide, to name a few. MDNR also works with local lake associations to post other, relevant information at our boating access sites. The MDNR would also consider, through a lease process, working with a local organization or association for the development, operation, and maintenance of a boat washing station at the boating access site.
- ✓ The development of this property into a public boating access site will use best design practices and best management practices and will have far less environmental impact on this property than if it were developed into multiple private residences. As a public boating access site it will meet DEQ requirements, minimize and manage storm water runoff, and promote several natural buffers. The MDNR also anticipates limitation of mowing to allow the shoreline to naturalize for erosion control and wildlife habitat.
 - ✓ MDNR has a vast amount of experience in building and operating well over 800 public boating access sites throughout the state, with a high level of boater and riparian satisfaction. In fact per an onsite meeting where DEQ was in attendance, DEQ did not express any concerns to the consideration of re-establishment of the original shoreline edge.
 - ✓ Per MDNR Fisheries experts with the development of a boating access site to Eagle Lake Fishing pressure is expected to stay about the same. Access through the subject property, various road endings, and the marina has occurred for many years. If anything, the new boating access site may reduce the pressure because it will provide opportunity to not only Eagle Lake but also the chain of lakes. The access site will have limited parking available, which will also limit the fishing pressure.
 - ✓ Per MDNR Fisheries experts Eagle Lake includes a diverse fishery of bluegill, black crappie, largemouth and smallmouth bass, rock bass, pumpkinseed sunfish, yellow perch, and northern pike.
 - ✓ Per MDNR Fisheries experts opportunities for fisheries management will increase with the development of a boating access site. Fisheries Division puts more priority on management of lakes with public boating access facilities. Management would consist of a lake survey and recommendations to improve or maintain the fishery that may include regulation changes, stocking, or habitat improvement.

TOPIC 12 – Economic Impact and Property Values

Comment/Question:

- Out of state boating normally has a positive economic effect on the area. However, since we are so close to the Indiana line, Michigan, Cass county, and Edwardsburg will receive little if any benefit, because they buy their gas and beer in Indiana since it is cheaper and they buy their groceries and supplies in Indiana.
- Look forward to the increased business this launch site will bring.
- Out of state boaters pay no income tax or property tax to Michigan and won't even be buying a fishing license to help support the cost of boating in Michigan, and yet they will use all the services, stay late, go back home to Indiana and leave their trash behind for us to clean up.
- If the lake acquires a reputation of poor quality (excessive weeds and boater safety), how will property owners re-coup their loss on property value?
- The proposed boat launch will lower property values near the site. No one wants 30 or 40 boats coming and going in front of their house. How are these owners to use their own piers and egress areas?
- I have heard no other viable alternative use except for a BAS.
- Currently, the property is an eyesore.

Response:

- ✓ Currently, the buildings are unused and in significant disrepair. Additionally, the launch ramp and pier are older and create safety issues. The small pond has rubble within it and the property is unmaintained. A new boating access site will provide a maintained, clean looking site providing safe boating access to Eagle Lake and potentially other water bodies as well.
- ✓ Acquisition by the MDNR does remove land from the tax base, however, the MDNR does provide a Payment in Lieu of Taxes (PILT) annually.

- ✓ *There are no indicators to support the theory that public boating access devalues riparian properties. Public access may, in fact, increase property values by providing safe and adequate transition from land to water for enjoyment of this natural resource.*
- ✓ *Any influence on value due to the ability of the public to access the lake is already in play. The addition of a new public boating access site is inconsequential to the property values. Although speculative, it is more likely that a positive influence in value would be experienced by lake residence. The addition of amenities such as a barrier free accessible boating access site with adequate parking are typically viewed as positive influences on surrounding real estate.*

TOPIC 13 – Other

Comment/Question:

- Was this in the best interest of the homeowners and taxpayers on Eagle Lake or that of the DNR so that someone might be able to check a box which indicated that land acquired, a budget spent and boaters were satisfied?
- It appears that the DNR has not completed sufficient due diligence.
- Proposed plan is not in the best interest of the public.
- Seems wrong for DNR to blindly follow that goal of creating boating access on water bodies without considering the quality of that experience for all boaters and swimmers.
- What influence will out of state people have in this issue? Is this only open to comments from MI residents?
- You speak as if the state has determined to purchase this property and then designed the facilities to be constructed on it. Is this accurate?
- This lake does not need any more off lake boat occupants who have no stake in making and keeping the lake as a source of joy to everyone.
- Project was not well thought out.
- Any boat owner has the right and can enjoy their water craft on Eagle Lake.
- No one cares for the lake more than the local community.
- Just because you can put a boat ramp on Eagle Lake does not mean you should!
- Project is ill conceived. The total cost to the lake has not been taken into consideration. The project will burden Eagle Lake and Eagle Lake residents unjustly and cause harm to the lake and be a detriment to the existing users (importantly including the wildlife on the lake)
- DNR is determined to purchase the property in question come hell or high water.
- DNR has no backup plan and intends to proceed with development even if it causes severe problems.
- Purchasing the "Dock" property will not solve any of the myriad of intractable or unsolvable problems that beset your plan.
- This is not a private lake, I understand the property owners concerns but this can be worked out like hundreds of lakes in Michigan, Indiana, Wisconsin and Minnesota.
- These are public resources and as such, public access is not deniable based upon perceived privatization of a resource. This is no different than a public property surrounded by private land where DNR is acquiring access to the public land.

Response:

- ✓ *The public has as much right to access the waters of Eagle Lake as riparians do. The waters of Eagle Lake are a publicly owned resource as much as other Michigan lakes, streams, or Great Lake waters are and per the Public Trust Doctrine these waters are for public use.*
- ✓ *The development of a boating access site will provide a site for law enforcement to access the lake. A boating access site would also provide onsite maintenance where none currently exists.*
- ✓ *The MDNR has been aware and studying the potential acquisition and development of this particular property for well over 2 years. This has included meetings with acquisition and real estate personnel, land management staff, planning and development staff, operation and maintenance staff, and permitting experts. The information gathered supports acquisition and development of the*

- land into a safe facility for boating access. Additionally the MDNR has received support locally by over 340 individuals interested in public boating access on Eagle Lake and improvement of the subject property's launch.
- ✓ *Acquiring land for public boating access on Eagle Lake has been a high priority for the State of Michigan for decades. The intent and purpose of the May 30, 2013 public open house was to provide an opportunity for the public to comment on the proposed acquisition of property on Eagle Lake. It is wrong to assume that final construction plans are necessary in order to determine the viability of a piece of land for development. By contrast, the only evaluations necessary to initiate a purchase are basic to any development, and can include: funding, lake characteristics, property size and configuration, distance from a public road, site topography, wetland presence, and proximity to neighboring residences. If these factors such as these are reviewed with affirmative results, the acquisition process continues forward. Annually, the department evaluates many proposed land acquisitions, declining to pursue most of these. Therefore, it would be unwise and costly to conduct extensive evaluations and development plans for proposed properties prior to acquisition of the property.*
 - ✓ *The MDNR is unable to respond conclusively on many specific development questions due to the preliminary nature of this proposed project. Since many land acquisition offers the MDNR sees do not conclude with a purchase, the MDNR does not conduct extensive design until after a purchase is executed*
 - ✓ *The MDNR is capable of developing public boating access to Eagle Lake and to the adjacent channel to the north, to enable user enjoyment and appreciation of the public waters and the natural resources within it. The following mission statements all support the acquisition of the property at Eagle Lake for the development of a public boating access site.*
 - *"The Michigan Department of Natural Resources is committed to the conservation, protection, management, use and enjoyment of the state's natural and cultural resources for current and future generations."*
 - *"The Parks and Recreation Division's Mission is to acquire, protect, and preserve the natural and cultural features of Michigan's unique resources, and to provide access to land and water based public recreation and educational opportunities."*
 - *"The Michigan State Waterways Commission works to provide safe public access to the Great Lakes and inland waters of the State of Michigan. Working with partners, the Commission oversees the use of dedicated funds provided by boaters for the acquisition, construction and operation of the infrastructure needed to support boating."*
 - *"The Michigan Department of Environmental Quality promotes wise management of Michigan's air, land, and water resources to support a sustainable environment, healthy communities, and vibrant economy."*

RESOLUTION NO. 06-2013-01

RESOLUTION OF SUPPORT FOR ACQUISITION OF LAND ON EAGLE LAKE, CASS COUNTY, FOR DEVELOPMENT OF A BOATING ACCESS SITE

Whereas the Michigan State Waterways Commission provides advice to the Department on financial and technical issues related to boating facility acquisition, development, and operation;

Whereas the Department provides recommendations to the legislature for the appropriation of funds to the Department under the Waterways Program for the acquisition, development, and operation of boating facilities;

Whereas the Waterways Program provides funding for the acquisition, design/development, operation, and maintenance of boating facilities;

Whereas the Waterways Program recommends acquisition of land on Eagle Lake for development of a public boating access site.

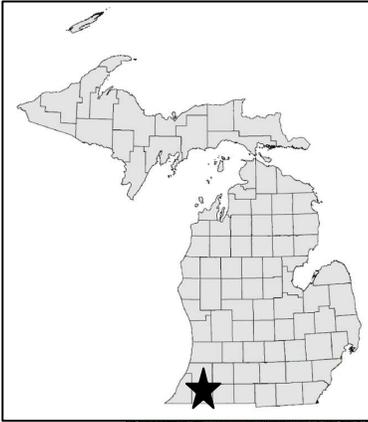
BE IT RESOLVED, That the Michigan State Waterways Commission supports the acquisition of land on Eagle Lake in Cass County for development of a boating access site.

Submitted by: Ron Olson, Chief, Parks and Recreation Division

Date: Friday, June 21, 2013

(POSTPONED)

“The Dock Property” Eagle Lake Cass County, MI





www.ontwatwp.org

Township of Ontwa • County of Cass • State of Michigan

26225 U.S. 12 • P.O. Box 209 • Edwardsburg, MI 49112 • Fax: (269) 663-0072 • Phone: (269) 663-2347

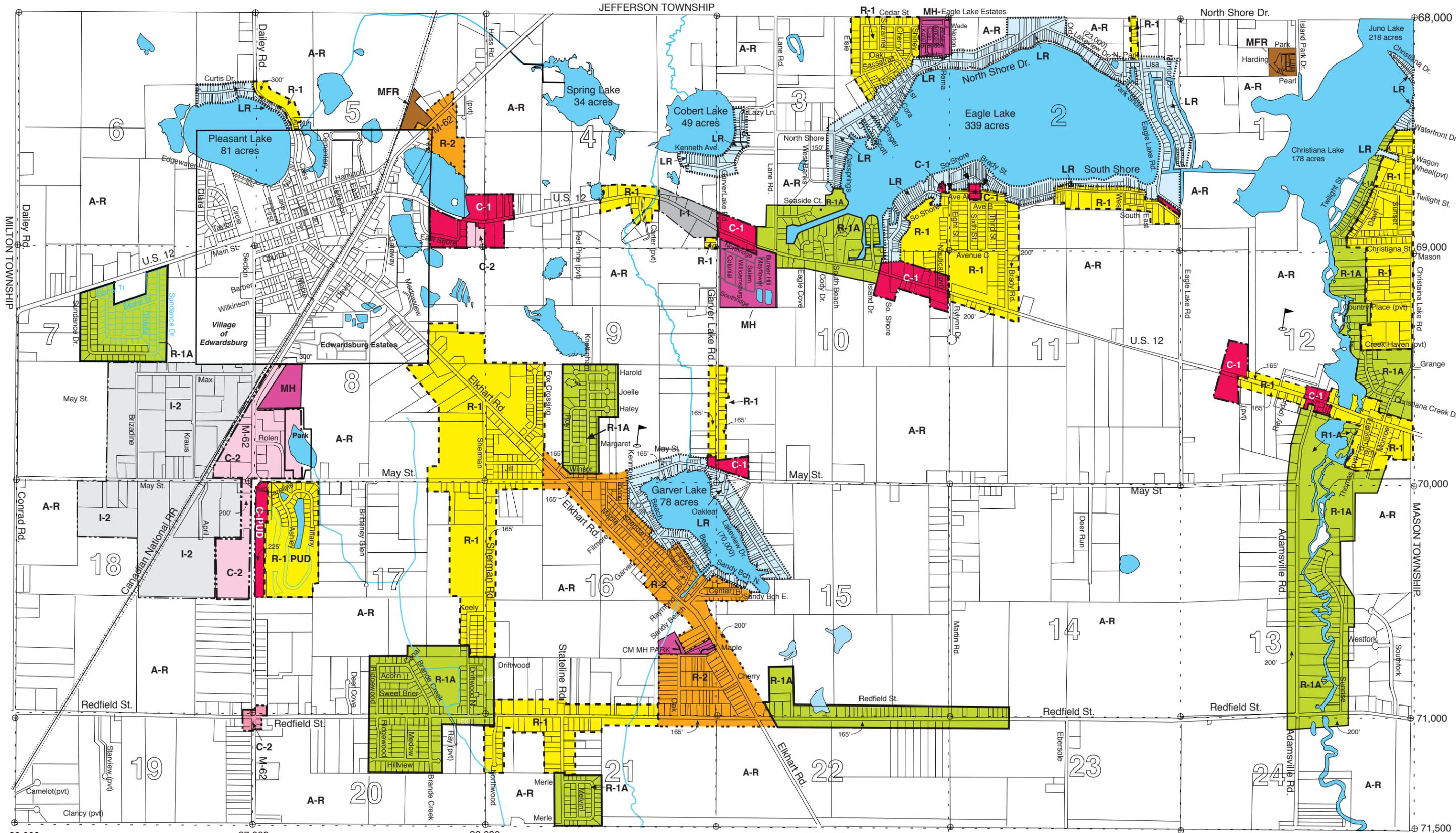
Paul Yauk
DNR

March 21, 2013

Paul,

Ontwa Township supports the DNR purchasing yhe Dock Prroperty to be used as a boat launch and public park.

John Brielmaier
Ontwa Township
Supervisor



ZONING MAP
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
 ADOPTED DECEMBER, 1996
 LAST REVISED: DECEMBER, 2009

	Agricultural Residential A-R	Residential R-1A	Residential R-1	Lake Residential LR	Residential R-2	MH Park MH	Multi-Family Residential MFR	Commercial C-1 C-2	Light Industrial I-1	Heavy Industrial I-2
Minimum Lot Area	60,000	20,000	15,000	12,000	12,000	-	43,560	-	21,780	21,780
Lot Width (sewer)	200 (48,000)	125 (16,000)	100 (12,000)	80 (9,600)	80 (9,600)	-	125 (35,000)	-	150	150
Front Yard	35	35	35	35	30	-	35	75	35	35
Side Yard	50-20	40-15	25-10	20-6	20-6	-	20	25	20-20	20-20
Rear Yard	30	30	30	30	30	-	20	20	25	25
Floor Area	1000	1500	1200	1000	1000	-	-	-	-	-



for a principal use and accessory uses, together with such open spaces as are required by this Ordinance.

- (a) Area, Lot - The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-ways.
- (b) Corner Lot - A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five (135) degrees or less.
- (c) Depth, Lot - The distance between the front and the rear lot lines, measured along the median between the side lot lines.
- (d) Double Frontage Lot - Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
- (e) Width, Lot - The continuous distance between the side lot lines, measured at the minimum building setback line and at right angles to the lot depth.

SECTION 2.32. MANUFACTURED HOME. A dwelling which is transportable in one (1) or more sections, that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Manufactured home dealer or Michigan Licensed Manufactured home installer as required by Michigan statute, and administrative rules promulgated thereunder.

SECTION 2.33. MANUFACTURED HOUSING COMMUNITY. A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

SECTION 2.34. MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 2.35. MOTOR VEHICLE. Every vehicle which is self-propelled.

SECTION 2.36. PARK. A noncommercial, not-for-profit facility designed to serve the recreation needs of the community, designed primarily as an outdoor, open space for passive or active use. An improved park typically includes ancillary constructed or installed facilities, such as playground

equipment, restrooms or picnic shelters, while an unimproved park may include interpretive programs and trail systems that take advantage of geological, biological or scenic resources. A park does not include a commercial establishment or business, whether or not recreation-oriented.

SECTION 2.37. PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

SECTION 2.38. PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

SECTION 2.39. PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a manufactured home and intended to serve as a base for supporting the frame of the manufactured home.

SECTION 2.40. PLANNING COMMISSION. The Ontwa Township Planning Commission, created by Michigan Public Act 168 of 1959, Sections 125.321 to 125.333 of the Michigan Compiled Laws.

SECTION 2.41. PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

SECTION 2.42. PRIVATE COMMUNICATION ANTENNAS. Private communication antennas shall mean an apparatus installed out-of-doors which is capable of receiving or transmitting communications for radio and/or television, including satellite dish reception antennas, amateur radio transmitting and receiving antennas but excluding such antennas as commercial radio and television and microwave communication towers. Excluded are such other facilities as have been preempted from Township regulation by applicable State or Federal laws and regulations.

SECTION 2.43. ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SECTION 2.44. COMMERCIAL ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products not produced on the premises upon which the stand is located. (As Amended 8/12/02)

SECTION 2.45. SECTIONAL HOME. A dwelling made of two or more modular units factory fabricated and transported to the home site where they are put on a foundation and joined to make a single home.

SECTION 2.46. SIGN. Any object, device, or structure or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

ARTICLE VIII

LAKE RESIDENTIAL DISTRICT "L-R"

SECTION 8.01. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the township for single family dwellings. It is further the intent of this ordinance that uses within this area be located to protect the water quality, fish and wildlife resources, scenic and aesthetic qualities, and recreational values.

SECTION 8.02. USE REGULATIONS. In the "L-R" District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Single family dwellings with a garage, as regulated in Section 3.26.
- (b) Home occupations, as regulated in Section 5.02(h).
- (c) Signs, as regulated in Article XIX.
- (d) Pump houses, provided they shall not exceed sixteen (16) square feet in area and not be of a height exceeding three (3) feet above ground level; and they shall be located not closer than ten (10) feet to any side lot line.
- (e) Parks and community centers, provided the site plan is approved by the Planning Commission in accordance with Article XVI.
- (f) Accessory buildings, as regulated in Section 3.21.

SECTION 8.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty- five (35) feet in height or two and one half (2 1/2) stories.

SECTION 8.04. AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (a) Front Yard - There shall be a front yard of no less than thirty-five (35) feet, except for lots located on a lake or stream, in which case the minimum required front yard setback shall equal the average depth of existing front yards on developed lots within two hundred (200) feet of either side of the subject lot, but in no case shall it be less than thirty-five (35) feet. An accessory building shall not be permitted in the front yard, except as provided in Section 8.02.
- (b) Side Yard - There shall be two side yards totaling at least twenty (20) feet and no side yard shall be less than six (6) feet; provided, however, that when a side lot line adjoins a street, a

minimum yard of fifteen (15) feet is required. For all other types of principal buildings, minimum side yards of twenty-five (25) feet on each side are required.

- (c) Rear Yard - There shall be a rear yard of at least thirty (30) feet. Where the lot is located on a lake or stream, the street frontage is considered to be the rear yard; in such case, accessory buildings are permitted thirty (30) feet from the street right-of-way. In the case of a lot located on a lake or stream, the minimum required rear yard setback may be reduced to twenty (20) feet, where it is demonstrated that such reduction in the setback would be commensurately matched with a ten (10) foot increase in the setback from the shoreline.
- (d) Lot Area - There shall be a lot area of at least twelve thousand (12,000) square feet; provided that where public or community sewer is installed, the lot area may be reduced to nine thousand, six hundred (9,600) square feet and provided the new or existing home is connected to the sewer. (As Amended 8/12/02)
- (e) Lot Width - The minimum lot width at the setback line shall be eighty (80) feet.
- (f) Floor Area - There shall be minimum floor area of one thousand (1,000) square feet. Dwellings having more than one story shall have a ground floor area of at least seven hundred (700) square feet.
- (g) Storm-related run-off water from roofs, downspouts, and any paved surface cannot discharge directly into a lake or stream.

SECTION 8.05. CROSS REFERENCES, ADDITIONAL PROVISIONS.

- (a) For Section 8.02. Use Regulations, see also:
 - (1) Section 3.03. Continuation of Existing Uses.
 - (2) Section 3.08. Essential Services.
 - (3) Section 3.09. Powerlines and Pipelines.
 - (4) Section 3.10. Principal Use.
 - (5) Section 3.16. Basement Dwellings.
 - (6) Section 3.17. Keeping of Pets and Livestock.
 - (7) Section 3.18. Trailers or Manufactured homes.
 - (8) Section 3.19. Home Occupations.
 - (9) Section 3.20. Control of Heat, Glare, Fumes, Dust, Noise, Vibration, and Odors.
 - (10) Section 3.21. Accessory Buildings and Structures.
 - (11) Section 3.22. Private Swimming Pools.
 - (12) Section 3.23. Truck Parking and Storage.
 - (13) Section 3.25. Garage and Yard Sales.
 - (14) Section 3.27. Private Communication Antennas.
 - (15) Section 3.32 Anti-Funnel/Anti-Keyholing. (As amended June 11, 2007)
- (b) For Section 8.03. Height Regulations, see also:

- (1) Section 3.07. Height Exceptions.
 - (2) Section 3.13. Fences and Walls.
 - (3) Section 3.21. Accessory Buildings and Structures.
 - (4) Section 3.27. Private Communication Antennas.
- (c) For Section 8.04. Area Regulations, see also:
- (1) Section 3.06. Area, Frontage, and Use Conditions.
 - (2) Section 3.11. Lots Having Frontage on Two Streets.
 - (3) Section 3.21. Accessory Buildings and Structures.
 - (4) Section 3.22. Private Swimming Pools.
 - (5) Section 3.24. Yard Requirements.
 - (6) Section 3.26. Residential Dwellings, Generally.
 - (7) Section 3.27. Private Communication Antennas.
- (d) See also Article XVII. Parking and Loading Space.
- (e) See also Article XVIII. Nonconforming Uses, Buildings and Structures.
- (f) See also Article XIX. Signs.