

# WHITE RIVER NATURAL RIVER PLAN

NEWAYGO, OCEANA AND MUSKEGON COUNTIES

June 1975



FISHERIES DIVISION

MICHIGAN DEPARTMENT OF  
NATURAL RESOURCES  
Revised March 12, 2002

Natural River Plan

WHITE RIVER  
(Newaygo, Oceana and Muskegon Counties)

White River Planning Group  
Cooperating with the Department of Natural Resources  
Office of Planning Services

Revised May 1, 1975

Plan approved and river designated  
As a Country-Scenic River by the  
Natural Resources Commission  
June 13, 1975

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## PREFACE

Part 305, Natural Rivers, of P.A. 451 of 1994 authorizes the Natural Resources Commission to establish a system of "natural" rivers in the state and to provide for their preservation, protection and enhancement. As a result of this charge, the Michigan Department of Natural Resources has studied the White River and its tributaries for possible inclusion in the natural rivers system. The river system and adjacent lands were investigated to determine: (1) aesthetic and historic values, (2) free-flowing condition--now and prospectively, (3) water quality, (4) fish, plant and wildlife resources, and (5) ecological values. The river ranked high in such values and will be proposed for inclusion in the Michigan natural rivers system. A preliminary river management plan has been prepared with the participation of concerned public officials, property owners and citizens and will be presented to the public at hearings in the area. After public hearings, the Natural Resources Commission may designate the river or portions of it as either a Wilderness, Wild Scenic or Country-Scenic River.

This report is the preliminary river plan for the White River, which is tentatively proposed as a Country-Scenic River. Briefly, the Country-Scenic River is a stream in an agricultural setting with narrow bands of woods or pastoral borders. Farms and other developments may be visible from the river and it may be readily accessible by road. It may have undergone some impounding and its waters should meet established water quality standards. The plan provides: (1) a physical description of the river, surrounding lands and nearby structures, (2) reviews values of the river and factors affecting its future nature and use, and (3) provides a plan for its management so as to preserve, protect and enhance the natural qualities of the river area.

## THE STUDY AREA

### A. General Description

The White River is located in Newaygo, Oceana and Muskegon counties, in west central lower Michigan. It rises from the extensive Oxford Swamp in north central Newaygo County and flows in a southwesterly direction into White Lake then Lake Michigan, near the towns of Whitehall and Montague. The White River system drains a surface area of approximately 300,000 acres and includes about 253 linear miles of streams.

This river system represents the southern most major trout stream in the Lake Michigan drainage. Except for the areas around Hesperia and White Cloud, much of the White River, especially the lower reaches are wild in nature, scenic, remote and crossed by few bridges.

### B. Physiography and Soils

Moraines, outwash plains and till plains are the major surface formations in the watershed. The topography is level to gently rolling along stream borders and slightly hilly in the uplands.

The White River originates in a large swamp area at an elevation of 980 feet above sea level and drops to an elevation of 580 feet at White Lake.

Roselawn, Grayling and Plainfield sand, averaging 0-7 percent slope are the most dominant upland soil types. Sandy loams with 0-3 percent slope are the next most important. The minor classifications are loamy sands, clay loams and peats and muck. Along the streams, Griffin sandy soils constitute the major flood plain soil types. The central portion of the watershed around Hesperia is unique from the rest of the drainage in having a higher proportion of clay loams. The better soils in this area gives it a higher land capability class than the rest of the drainage.

Of particular interest are the Winterfield soils along the White River. Detailed soils survey maps indicates that, in general, a band of soils in the Winterfield Series extends along much of the mainstream and its tributaries. Soils in this series are poorly drained alluvial soils developed in sands to loamy sands. They occur on nearly level bottomlands along streams and are subject to flooding especially in spring. They also have seasonally high water tables. These soils place severe limitations on residential, cottage and intensive campground development due to high water tables, periodic flooding, severe limitations for septic tank drain fields and the possible contamination of shallow wells.

### C. Stream Characteristics

The streams of the White River system differ greatly in water characteristics. The diversity in water color, turbidity, seepage, temperature and flooding can be easily understood in a watershed located in the fringe area between cold and warmwater stream systems.

#### Summary of Streams (Linear Length in Miles)

Stream	Trout	Non-Trout	Average Width
Mainstream	70.0	(Includes marginal trout and andromous)	80 feet
Wright's Creek	4.0		4 feet
Martin Creek (incl. Heald Creek)	16.0		18 feet
Mena Creek	9.0		10 feet
Delong Creek		16.0	12 feet
Robinson Creek		7.0	8 feet
First Cole Creek	1.0		8 feet
Second Cole Creek	3.0		6 feet
Rattlesnake Creek	2.0		5 feet
Flinton Creek	7.0		15 feet
Five Mile Creek	5.0		15 feet
Mullen Creek	3.0		8 feet

Stratton Creek	3.0		5 feet
Braton Creek	5.0		
Cushman Creek	7.0		12 feet
Skeel Creek	5.0		8 feet
Cleveland Creek	3.0		
Silver Creek	3.0		
Carleton Creek	10.0		12 feet
Mud Creek	4.0		
Sand Creek	7.0		10 feet
North Branch White	20.0	5.0	25 feet
Newman Creek	5.0		
Knutson Creek	5.0		
Robinson Creek	4.0		
Cobmoosa Creek	4.0		
Unnamed Tributaries	<u>      </u>	<u>20.0</u>	
	205.0	48.0	

Roughly 20 lakes ranging in size from a few acres up to several hundred acres, drain into the White River. In addition to the two impoundments on the mainstream at White Cloud (60 acres) and Hesperia (100 acres), five smaller impoundments (3-35 acres) on tributaries, drain into the White River. Some of these lakes through their contribution of warmwater and undesirable competing species have a negative influence on the White as a trout drainage.

The Surface Water Quality Division of the Department of Environmental Quality has established intrastate water quality standards and use designations<sup>1</sup> for the White River. It is to be protected for recreation - total body contact (i.e., swimming); intolerant fish - cold water species; industrial water supply, agricultural and commercial water supply and other uses. Where water is to be protected for more than one use under these standards, the most restrictive individual standard of designated water use applies. Also, if existing water quality is superior to the designated use requirements, it must be maintained at that level until it has been adequately demonstrated to the Michigan Water Resources Commission that the change in quality does not or will not become injurious to the public health, safety or welfare, or become injurious to any other uses being made of such waters.

Studies conducted on the White River by the Department of Environmental Quality staff, Department of Natural Resources, indicated that the quality of the waters within the White river basin meet or exceed all standards, as mentioned above, established for the river.

<sup>1</sup> Use Designation Areas for Michigan Intrastate Water Quality Standards published by Michigan Water Resources Commission, Bureau of Water Management, Department of Natural Resources, March 1969.



The mainstream of the White from 8-Mile Road downstream to Whitehall is approximately 70 miles in length. The river in this stretch falls six feet per mile on the average and is comparable to that of the Pere Marquette River. According to U.S. Geological Survey streamflow records, the average flow near the Muskegon County line over the last 15 years has been 389 cubic feet per second. The yearly average will vary from this figure due to variations in climate from year to year. However, hot dry years with minimal summer precipitation do not cause extreme low flows on the White. The surface geology of the area explains this fact. Surface soils (mostly sands) insure that much of the total precipitation infiltrates the soil mass and is released slowly throughout the year and maintains stream flows during dry summers.

The mainstream gains considerable groundwater from extensive glacial deposits between "the Pool" and White Cloud. The river in this area has a good gradient and ample gravel bottom for trout spawning.

Most of the tributaries (Stratton, Flinton, Five Mile and Mullen Creeks) and the mainstream above White Cloud have a mixture of bottom types composed of sand, silt and gravel which are productive enough to produce a fair quantity of trout food.

Between White Cloud and Hesperia, the White is a sizeable stream that flows first through a broad elm swamp where the bottom is mostly sand and deep holes have been gouged by countless logjams. North of Robinson Lake (Lutes Bridge) the river again flows through glacial moraines and for several miles downstream the current is moderate and the bottom type has an abundance of gravel with some larger boulders. The river then slackens and the bottom type changes to mostly sand before the river enters the impoundment at Hesperia.

Below Hesperia for eight to ten miles, the river is fairly swift and flows over a sand and gravel bottom. This stretch of river is an important area for spawning steelhead. Below Pine Point Campground to White Lake, the river has a moderate current, sandy bottom, meanders considerably and has many oxbows.

The North Branch of the White is significant enough to warrant a separate description. It rises at McClaren Lake a few miles north of Hesperia, flows west to Ferry and then south to its junction with the mainstream. Due to the influence of its headwater lakes, the North Branch has warmwater temperatures for the first four or five miles. Below this area, groundwater entering the stream cools temperatures suitable for trout. Bottom types on the North Branch in general are sandy, but fair amounts of gravel bottom are scattered throughout its length.

#### D. Vegetation

Tag alder and dogwood form the dominant vegetative cover along the streams. White cedar is common along the stream especially the upper portions of the White and along many of the tributaries. Vegetative cover on lands adjacent to

the mainstream and tributaries varies from lowland hardwoods in lowland sites to oak, northern hardwoods, aspen and pine on the higher sites. All except the pine are second growth, uneven-aged stands resulting from natural reproduction and selective cutting following the original logging operations. Most of the pine types are plantations established by the U.S. Forest Service on federally owned land.

#### E. Climate

The White River watershed is in the latitude where convergence of polar and tropical air masses create rapidly changing weather patterns. Lake Michigan, however, modifies the climate and creates generally cooler summers and milder winters than those experienced by other areas of the same general latitude. The area has an average annual precipitation of about 32 inches with a fairly uniform distribution throughout the year. Areas along the Lake Michigan shore receive more precipitation, usually in the form of snow, than the inland portions of the watershed. Average annual snowfall is 54 inches near Newaygo and 74 inches at Muskegon. The average annual temperature is 46° F with the highest monthly maximum temperature occurring in July (70° F) and the lowest monthly minimum temperature occurring in February (22° F).

#### F. Ownership

The White River watershed contains roughly 300,000 acres of land. Of this total, 245,000 acres are in private ownership and the remainder is in federal and state ownership. The federal acreage (roughly 54,000 acres) is all within the boundaries of the Manistee National Forest. Ownership along the mainstream from Eight Mile Road downstream to old U.S. 31 is estimated to be 81 percent private and 19 percent public. Of the roughly 70 miles of stream in this stretch of river, only 11.5 miles or 23 miles of frontage are in public ownership. The bulk of this frontage is located below Taylor Bridge.

#### G. Accessibility

Highway access to the White River area is good with a number of state highways connecting the area to the population areas of southern Michigan. M-20 bisects the watershed in an east-west direction and connects U.S. 31 on the west to U.S. 131, at Big Rapids on the east. M-37 crosses the eastern portion of the watershed at White Cloud and is the most direct route for the people travelling from the Grand Rapids area. U.S. 31 crosses the White near Whitehall and is the major route for recreationists coming from Indiana, Illinois and western Michigan cities. These major highways are connected by numerous county black top roads, however, there are large areas in the central portion of the watershed served only by sand roads or trails.

EXISTING USES  
AND  
RECREATIONAL OPPORTUNITIES

A. Land Use

The White River watershed is on the border of a farming region to the south and a forest-resort recreation region to the north. Roughly half the watershed can be classed as forest land and the rest farm land.

Land use is largely dependent on local soil conditions. Where soils are more productive, as in the DeLong Creek area, farming is intensive and permanent. There are productive dairy farms in this area with good crops of hay, corn and wheat being major crops. Most of the drainage has poor sandy soils and the farms are small subsistence and part-time farms with many tenant farmers and absentee owners.

Abandonment of farms is a major trend and the abandoned land is in a very depleted condition. Old farmland usually lies idle for a long time and is subject to moderate or severe erosion depending on the degree of slope and exposure to wind.

Hunting, fishing and other resort activities account for a large part of the land use in the area. Resort cabins are abundant and are concentrated along or near lakes and streams. A greater demand for resort property in recent years is one of the reasons for a high proportion of privately owned land being retained in the watershed.

Numerous developments are visible along the river in White Cloud and Hesperia. In addition to these municipalities, there are three other areas where cottages are concentrated along the White.

On the upper White, just below Van Buren Road, there is a plat of about 50 lots, where roughly six cottages have been built. However, considering the whole stretch of river from 8 Mile Road to White Cloud only 25 cabins exist.

Between White Cloud and Hesperia, the area between M-20 and Pinchtown Bridge contains a cottage development. Roughly 15 cottages presently exist along the river in this area. Along the entire stretch, however, there are only 25 cottages.

Another development, St. Huberts, about a mile and half downstream from Taylor Bridge contains 41 cottages. The entire stretch of river between Taylor Bridge and County Line Bridge has only 50 cottages, however, only two are visible from the river below St. Huberts. Below County Line Bridge downstream to the lowland (muck farm) areas above Whitehall, only six structures exist along the river.

## B. Private Recreation Areas

Private camping facilities in the vicinity of the White River are numerous. Thirty-five campgrounds provide 1,705 campsites to the recreationist in the three county area of the watershed. Other areas providing recreation from private sources are: five feet fishing ponds, 29 Great Lakes charter boats, three canoe liveries on the White River, five riding stables and two enterprises offering dune buggy rides at Silver Lake.

## C. Public Recreation Areas

Camping facilities in the three county area surrounding the White River watershed are adequate. Six state parks are within easy driving distance of the White and provide 1,240 campsites for public use. In addition, there are three Forest Service campgrounds, five picnic areas and 45 county, township or city parks within or near the watershed, which provide additional camping and day use facilities for recreationists.

Other public areas of interest are the sand dunes at Silver Lake State Park, the Muskegon State Game Area and Pentwater River State Game Area.

## D. Fishing

Between "the Pool" and White Cloud the upper White is fine trout water, famous for its brook trout fishing. It is still a good producer of brook trout, particularly in the upper reaches near "the Pool", but from "the Pool" downstream, brook trout generally give way to browns until at White Cloud only the occasional brookie is now taken.

Good tributary streams enter in this stretch--Mullen, Five Mile and Flinton, with Five Mile being the best. It is a fine cold brook-brown stream that flows through a cedar swamp for most of its length. Flinton and Five Mile creeks contribute considerable numbers of trout to the river immediately above the impoundment at White Cloud (White Cloud Lake) where the river becomes sandy and has few spawning areas. White Cloud Lake harbors large numbers of suckers and other roughfish.

The trout population between White Cloud and Hesperia is only fair, but the river contains some outsized browns. Thus, the Middle White warrants the attention of the "big fish" fishermen, particularly in view of the fine "caddis" hatches that occur from mid to late June.

The inadequate natural reproduction and abundance of food in the Middle White presents an opportunity for improvement through brown trout plantings. Stocking of brown trout fingerlings dramatically improved fishing in 1974. Some attention could also be given to the chestnut lamprey and roughfish problem. The stream is very well suited for fly fishing, particularly in the area around Aetna.

Several tributaries enter the Middle White, but by far the best is Martin Creek. The Martin is a fine brook-brown stream in its own right and is a favorite among some fly fishermen even though it is quite brushy. It has a good Drake and "caddis" hatch during June. The Martin produces not only good numbers of browns and brooks, but fish of excellent average size. Mena Creek is the only other tributary that supports significant trout fishing in this stretch. It is a good brook-brown trout stream, but is smaller and not of the quality of the Martin. They both join the White between Aetna and Hesperia.

The lower White is a good-sized river, most famous now for its fine fall and spring steelhead fishing. However, until about 1950 the river near Whitehall was known more for its fine spring fishing for white bass which ran the river in droves at spawning time. These were sizeable fish, too; often running 2-3 pounds and up to 17-18 inches long. Some smallmouth bass and northern pike are also taken. For about 15 miles below Hesperia, the White flows rapidly over good gravel bottom. The stream here contains a few lunker brown trout and could produce improved trout fishing through trout stocking and possibly chemical reclamation.

The first tributary of note to enter below Hesperia is Braton Creek, a fair brook trout stream of small size that usually has a slightly milky discoloration. Further down the sizeable (though short), Cushman Creek enters. The Cushman contains a good trout population consisting of brooks, browns and rainbows (from steelhead natural reproduction which is significant in this stream). Sizeable brook trout (to 17 inches) and brown trout (to 5-8 pounds) are present in this stream. Skeels Creek is another fair brook trout stream similar to Braton Creek.

Due to the influence of its headwater lakes (warming temperatures and warmwater fish), the North Branch is not good trout water for its first four or five miles. Just north of Hightower Lake, enough groundwater enters to cool the North Branch to trouts liking. Browns and a few brooks are found in this area. From this point until it joins the lower White, the North Branch is a good brown trout stream that also produces a fair number of brooks. Sizeable browns (16-22 inches) are not uncommon. It is a popular steelhead stream, spring and fall, in the area below Arthur Road. It also offers good fly fishing during the June Drake hatches.

Several small, but excellent cold tributaries enter the North Branch--Robinson Creek, Cobmosa Creek, Newman Creek and Knudsen Creek--all of which contain brooks and browns of respectable size.

Downstream from the mouth of the North Branch the tributaries of the White are notable in that they are sizeable streams that contain almost 100 percent brook trout. These are Carlton, Sand, Silver and Cleveland creeks. Carlton is the largest and best, with Silver and Sand ranking above Cleveland. Small impoundments on Sand, Silver and Cleveland inundate some good water, but produce good trout fishing themselves when roughfish are kept in check.

#### E. Wildlife Observation and Hunting

The White River drains a comparatively small watershed adjacent to the Lake Michigan shore and extending generally eastward across Oceana and Newaygo counties. The southern tip of the watershed extends a short distance in Muskegon County.

The eastern portion of the watershed is largely timbered with excellent habitat and good populations of forest game species, such as deer, ruffed grouse, snowshoe hare, wild turkeys, squirrels and a large variety of nongame species.

The western portion of the watershed is primarily rolling orchard country with numerous small areas or pockets of wild habitat. Wildlife habitat in this area is more restricted and populations are not as large as in the eastern part of the watershed. Game species consist of the same ones found in the eastern part of the watershed, except for wild turkeys which do not occur in the western part of the watershed. In addition to the species mentioned above, there are limited populations of pheasants and cottontail rabbits.

The White River watershed is not an important waterfowl area, except for White Lake, which is heavily used by migrating waterfowl, especially ducks. There is some production of dabbling ducks on most of the natural waters of the watershed and some artificial ponds.

Fur species common to the watershed include muskrats, mink, raccoon, foxes, beaver and a limited number of otter.

#### F. Canoeing and Boating

Although the river above White Cloud can be canoed, it generally is not considered canoeing water. Below White Cloud, downstream to Lutes Bridge, the river channel is crossed by fallen elm and numerous logjams, which make canoeing difficult. The best stretch of river for canoeing is from Hesperia downstream to White Lake, especially the area below Pine Point Campground which is practically undeveloped. A moderate current with relatively few logjams makes this an enjoyable stretch to canoe. This lower portion of the river is large enough to handle small outboards and these craft are used to some extent by fishermen or people exploring the river. Canoes are available for rent at liveries located in White Cloud, Hesperia and on Fruitvale Road at the Oceana, Muskegon county line.

#### G. Historic and Archaeological Sites

Although Muskegon, Newaygo and Oceana counties are rich in history, sites of historic or archaeological interest along the White River have not been authenticated. Records in the State Archaeological Site File indicates an Indian village existed west of the White River in Denver Township, Newaygo County. If

systematic archaeological surveys were undertaken, Indian campsites may be uncovered along the river.

## PRELIMINARY NATURAL RIVER PLAN

### A. Proposed Designation

The White River system represents the southernmost major trout stream in the Lake Michigan drainage. Except for areas around Hesperia and White Cloud, much of the river, especially the middle and lower reaches, are scenic, crossed by few bridges, wild in nature and intrusions by man are few. Development of recreation homes and homesites on the White River have increased in recent years, however, there are still many miles of stream in a natural state with scenic and other recreational values worth preserving. Because of this concern, the White River Planning Group was formed in February 1974, to draft a plan to regulate future development and use for the protection of the natural character of the White River.

It is recommended that the following portions of the White River system be classified and managed as a country scenic river under Part 305, Natural Rivers, of P.A. 451 of 1994: (Approximate mileage mainstream - 70 - tributaries - 93)

<u>Stream</u>	<u>Approximate Mileage</u>	<u>Section for Inclusion</u>
Mainstream of the White River	70	From 8-Mile Road, NW corner of Section 28, T15N, R12W in Newaygo County downstream to US-31, Muskegon County excluding the following: from the north city limit of White Cloud down to old M-20 west of city, from the east city limit of Hesperia down to west city limit and those portions within the city limits of Whitehall and Montague.
Mullen Creek	3	From 6-Mile Road downstream to White River.
Five Mile Creek	5	From Pine Ave. downstream to White River.
Flinton Creek	4	From Pine Ave. downstream to Catalpa Ave.
Wrights Creek	2	From Comstock Road downstream to White River.

Mena Creek	4	From Minnie Lake Dam downstream to White River.
Martin Creek	5	From Warner Ave. in Section 2, T14N, R14W, downstream to White River.
East Branch Heald Creek	4	From Crowsell Road downstream to White River.
Braton Creek	3	From Wilkie Road downstream to White River.
Cushman Creek	3	From 192 <sup>nd</sup> Ave. downstream to White River.
Skeels Creek	4	From 192 <sup>nd</sup> Ave., (Holton Duck Lake Road) downstream to White River.
North Branch River	20	From 176 <sup>th</sup> Ave. downstream to White River.
Robinson	4	From Woodrow Road downstream to North Branch.
Cobmoosa Creek	4	From Filmore Road downstream to North Branch.
Newman Creek	3	From 132 <sup>nd</sup> Ave. downstream to north Branch.
Knutson Creek	3	From Garfield Road downstream to North Branch.
Sand Creek	7	From outlet of Dressler Lake downstream to White River.
Carlton Creek	9	From Arthur Road downstream to White River.
Mud Creek	4	From outlet of Heitman Lake downstream to Carlton Creek.
Carleton (Lanford) Creek	1	From Walsh Road downstream to White River.
Silver Creek	1	From Silver Creek Road downstream to White River.



Cleveland Creek	<u>1</u>	From Russell Road downstream to White River.
TOTAL	163	

B. Natural River District

The White River Natural River District is an area on each side of and parallel to the designated river and its designated tributaries. The District merely establishes a definable area within which local zoning may regulate future development and use. Establishment of this District on private land in no way implies a "taking" of these lands by the state or opening them up to public use. Private lands remain private and are subject to the rights of private ownership with respect to public use. Existing structures and uses will not be subject to the regulations which follow.

C. Water Quality

The existing high water quality will be maintained according to the quality standards and use designation established by the Water Resources Commission. The river will be monitored periodically by the Department of Environmental Quality to ensure continued maintenance of high water quality (Part 31 of PA 451).

D. Land Development

1. Building Setbacks: New residential buildings shall be limited to single family dwellings. Setbacks from the river's edge for new structures and appurtenance are as follows:
  - a) On the designated portions of the mainstream from 8-Mile Road, NW corner of Section 28, T15N, R12W, Newaygo County downstream to Lutes Bridge (Baldwin Road) T14N, R13W, Newaygo County and from Podunk Bridge between Sections 9 and 10, T13N, R15W, Oceana County downstream to U.S. 31 in Muskegon County, the setback is 150 feet, except that for every foot of bank height above a minimum of seven feet above normal river flow, the new structures can be placed five feet closer to the river, to a minimum of 100 feet. Further, new structures must be setback at least 50 feet from the top of the bluff on the cutting edges of the river and tributaries.
  - b) On the designated portion of the mainstream from Lutes Bridge (Baldwin Road) downstream to Podunk Bridge and on all designated tributaries the setback is 100 feet, except that for every foot of bank height above a minimum of seven feet above normal river flow, the new structures can be placed five feet closer to the river, to a minimum of 75 feet. Further, new structures must be

setback at least 50 feet from the top of the bluff on the cutting edges of the river and tributaries.

2. Subdivisions: Unplatted lots and new subdivisions in the natural river area shall accommodate the building setbacks set forth in the plan and have a minimum lot width of 200 feet. Where, by reason of the narrowness, shallowness, or shape of a lot or property, at the time of the effective date of these regulations, the lot or property cannot accommodate a building because of the required building setback or lot width, variances shall be allowed by the appropriate local board only if such reasonable terms as may be set forth in the zoning ordinance or rule are met. All such variances shall make provisions that such structures shall be so placed as to best meet the spirit and objectives of the Natural Rivers Act.
3. Building Design and Screening:
  - a) Property owners are encouraged to use natural materials and unobtrusive colors in the construction of new or maintenance of old buildings.
  - b) Property owners of existing buildings, visible from the river, are encouraged to screen them with native vegetation. The Department of Natural Resources Area Forester will advise on planting stock on request.
4. Industrial and Commercial Structures and Uses:
  - a) Industrial uses and buildings will not be permitted within 400 feet of the designated river and tributaries.
  - b) Commercial uses and buildings; such as gas stations, motels, restaurants, retail stores, mobile home parks, etc. will not be permitted within 400 feet of the designated river and tributaries. However, a number of commercial uses requiring special exception permits may be compatible with maintaining the natural aspects of the river.
    - 1) Commercial crop farms or forest plantations that are landward of the native vegetation strip (50 feet).
    - 2) Campgrounds that are constructed, maintained and operated in accordance with State Health Department regulations (Act 17, P.A. 1970). Includes tent, travel trailer, camper and motor home uses, buildings, cement pads, hookups, etc., in conformance with established setbacks.
    - 3) Sales and/or rental of non-motorized boats or canoes.
    - 4) Small home operated business such as photography studio, beauty shop, home repair, insurance or other business which do not alter the residential nature of the property and are in conformance with established setbacks.

- 5) Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.
5. Septic Tank Systems: Septic tanks and absorption fields shall be located at least 100 feet from the river's edge and the bottom of the absorption field be at least four feet above the high water table. No septic tank or absorption field shall be closer than 50 feet to any subsurface drainage system emptying into the White River or designated tributaries.
6. Land Fills: Cutting, filling for building, including appurtenances, on the flood plain and filling for buildings on the upland within 300 feet of the river's edge where the highest ground water table is within six feet of the surface shall be prohibited. Dredging or filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Part 301 of P.A. 451 of 1994. However, no pond shall be constructed within the natural vegetation strip (50 feet from the river).
7. Stream Alteration: To protect the natural character of the river and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted in those portions of the White river or tributaries designated under the Natural Rivers Act unless approved by the Department of Natural Resources under authority of Part 301 of P.A. 451 of 1994.

New in-channel stream improvements for fish habitat, bank stabilization or other resource management practices which might alter the natural character of the stream, must be approved by the Natural Resources Commission. Any private plans for these types of projects requires a permit under Part 301 of P.A. 451 of 1994. Natural materials should be used to construct stream bank stabilization projects to control erosion. They should be camouflaged and the local Conservation Office or District Fish Biologist contacted to provide technical advice for such projects. Permission shall be obtained from the property owner when removing fallen trees and log jams from the river. If there is any extensive removal of log material from the bottom, during these operations, advice should be sought from the District Fish Biologist.

Water withdrawal for irrigation will be permitted in accordance with the riparian doctrine of reasonable use.

8. Utilities: New gas or oil pipelines, or electric transmission lines generally shall not be permitted in the Natural River District or to cross the designated river and tributaries except on existing rights-of-way without prior written consent of the Natural Resources Commission. Plans for these transmission lines which include crossing the river district or river and designated tributaries must be approved by the Natural Resources Commission Section 30514 of Part 305 of P.A. 451 of 1994. New distribution lines generally shall not cross the housing setback zones

unless they are placed underground or if overhead lines are less disruptive to the environment. Plans for distribution lines which are to be placed under the river shall be approved by the Department of Natural Resources and all construction shall meet the requirements under the Sedimentation Control Act and Inland Lakes and Streams Act. Local service lines to private dwellings shall originate from the landward side of the dwelling in so far as practical.

Utilities should be required to obtain permission from the property owner to chemically treat vegetation in the right-of-way on utility easements that have only provision for cutting and trimming.

9. Signs: Only those signs necessary for (a) identification, (b) direction, (c) resource information, and (d) regulation of use, should be placed along public use areas of the designated river and tributaries. The Department of Natural Resources should post signs at access sites and on state and county road bridges emphasizing respect for private property rights and penalties for littering and trespassing. Signs for the sale of products or services shall be prohibited in the natural river area except a business can advertise on lands on which that business is established or operates. Signs and outdoor advertising devices must be (1) related to permitted uses, (2) not more than one square foot in area for residential uses and not more than four square feet in area for any other uses, (3) not illuminated by any neon or flashing device, and (4) not attached to any tree or shrub.
10. Docks: Docks may be constructed not to exceed four feet in width nor more than 20 feet in length with no more than four feet of the dock extending over the water. Docks must be constructed in accordance to the rules of Part 301 of P.A. 451 of 1994. The use of "natural" materials and camouflaging should be encouraged.
11. Disposal of Solid Wastes: No trash, refuse, junk cars, junk appliances, garbage, sawdust or other unsightly or offensive material shall be dumped or stored within sight of the river except as incidental to forestry or farm operations.

#### E. Land Use

1. Natural Vegetation Strip: A natural vegetation strip will be maintained in trees, shrubs or other vegetation on each side of the river to help stabilize the river banks, provide shading which helps maintain cool water temperatures, absorb nutrients from surface water runoff and provides screening for permanent or seasonal dwellings. The zoning administrator shall notify each applicant for building permit of the permit of the purpose of the natural vegetation strip and of the provisions of this section.

- a) Public Land: On public owned lands, a 100 foot or more restricted cutting strip will apply on each side of the mainstream and designated tributaries.
  - b) Private Land: On private frontage, a restricted cutting belt 50 feet wide, will be maintained on the mainstream and on designated tributaries Section 30509 of Part 305 of P.A. 451 of 1994. Trees and shrubs may be pruned for a view of the river upon approval by the local zoning administrator or the area forester, but clear cutting in the natural vegetation strip is not allowed. The natural vegetation strip is also subject to the following provisions:
    - 1) Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed.
    - 2) Selective removal or trimming of trees for commercial timber harvest, landscaping or public utility facilities shall be allowed upon approval of the area forester or zoning administrator.
    - 3) Mowing of lawns will be allowed to within 10 feet of the river's edge.
2. Grazing: Grazing will be permitted within the restricted cutting belts unless the Department of Environmental Quality determines that grazing contributes to stream degradation. In those cases, live stock will be fenced out to protect the river banks, except that cattle crossings and watering areas will be permitted if constructed so as not to cause damage to the stream.
  3. Plowing: Plowing will be prohibited within 50 feet (natural vegetation strip) of the riverbank unless the land is currently in cultivation.
  4. Minerals: New development, exploration or production of gas, oil, salt brine, sand and gravel or other materials, except ground water are not permitted within 300 feet of the designated river or tributaries on private land Section 30509 of Part 305. Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of streams on state land.
  5. Litter: In view of the special status of the White River, its unique character and beauty and in consideration of the rights of private property owners to avoid trespass by others, the enforcement of anti-litter laws be strengthened and liveries will be asked to voluntarily institute river clean-up bees and special incentive programs for clean-up.
  6. Commercial Horseback Riding: No horse trails will be permitted in the natural vegetation strip.
- F. River or River Related Activities
1. Boating and Canoeing:

- a) Non-motorized boating and canoeing is permitted.
- b) Use of motorized watercraft will be permitted downstream from County Line Bridge, at Oceana-Muskegon county line, unless posted against such use, provided the watercraft are operated at slow no wake speeds.
- c) Rafting of more than two vessels not permitted.

2. Campgrounds and Picnic Areas:

- a) No structures incidental to a campground or picnic area shall be permitted within 100 feet of the designated mainstream and tributaries.
- b) On public lands, no new campground shall be permitted within 300 feet of the designated mainstream and tributaries.

3. Fishing and Hunting

- a) Fishing, hunting and trapping will be permitted in the natural river area in accord with Michigan game and fish laws. Firearm use shall be in accordance with state laws and rules pertaining to the use of firearms.
- b) Emphasis will be given to maintaining a high-quality fishery and a quality fishing experience. Management practices such as stream improvement, bank stabilization, stocking and removal of rough fish may be employed to meet these objectives. It is recommended that the Fisheries Division establish a high priority in their planning efforts and management programs to ensure the maintenance and enhancement of a high quality fishery on the White River system.
- c) Wildlife management practices if undertaken in the natural river area will be done in conformance with the character of the area.

3. Use of Firearms: It is not the intent of this plan to place additional limitations on hunting, but because of the river's unique character, numerous horseshoe bends and oxbows and the possibility of property damage or injury, the strict enforcement of state laws pertaining to the safe use of firearms on the river and on public roads and bridges in the Natural River District will be strengthened and encouraged through the cooperative efforts of property owners, liveries and law enforcement officials.

G. Access and Motorized Travel

1. Public Access: New public roads, highways and river crossings will not be permitted in the Natural River District. Plans for relocation or improvements to public roads must be approved by the local zoning board and the Natural Resources Commission Sections 30509 and 30514 of Part 305. It is recommended that the following access sites and/or rest stops be established on the White River:
- a) Access site (canoe) and rest stop be developed on state land in Section 28, T14N, R14W, Newaygo County.
  - b) That the present public access be retained in public ownership and improved by developing a rest stop at Cisco Rollway, Section 30, T13N, R15W, Oceana County. Because of active gully erosion on the high sandbanks, the existing road should be blocked near the

riverbanks. A new trail (100-200 feet in length) should be developed on high ground east of the present road to a new parking area (in conformance with established setbacks). A rustic stairway and canoe slide should be constructed down the wooded slope to the floodplain. Restrooms should be constructed in conformance with established setbacks. Erosion control should be initiated on the bare sandbank and active gully.

- c) Rest stop could be developed at Twin Rollway, Section 35, R13N, R16W, Oceana County. The sandbank is eroding and should be repaired. Restroom facilities, a foot trail to the river should be developed, an easement should be obtained from private owners to document public access to the parcel on the river.

The land for these latter two proposals is in federal ownership. Should the Forest Service be unable to improve these sites, the state may be able to develop them under the Waterways Program if the proper leases can be obtained from the Forest Service.

These recommendations should meet present and foreseeable future needs for access. Should use expand in the more distant future, it may be necessary to re-study the adequacy of access.

## 2. Motor Vehicles:

- a) Public access for licensed motor vehicles will be prohibited in the natural river area except for travel on existing roads, and designated trails on publicly owned lands.
- b) Amphibious vessels, all-terrain vehicles or other off-road machines for which licenses are not required will be prohibited on publicly-owned land in the natural river area except on such trails as may be designated. Use of snowmobiles on public lands will be permitted within the natural river area in accordance with the guidelines of the agency administering such lands but it is recommended that they remain out of the natural vegetation strip and follow Department of Natural Resources guidelines which require at least a four-inch snow depth. Use of such vehicles by a landowner or his guest on his own property is permitted. No vehicles of any type are permitted on private property without the permission of the property owner.
- c. The muffler requirement of the Michigan Vehicle Code shall be enforced for all motorized vehicles using public roads and designated trails within the natural river area (Section 7, Act 300, P.A. 1949).



## H. Administration

### 1. Land Use Guidelines

- a) Zoning by local governmental units (township or county) shall be the chief means of protecting the White River and its designated tributaries as a Country-Scenic river under the Natural River Plan.
  - 1) Zoning shall be applied within a Natural River District on both the designated mainstream and tributaries. Upon adoption of a local zoning ordinance, certified copies of maps and/or documents describing the Natural River District shall be filed with the local tax assessing officer and county equalization department. In establishing true cash value of property within the Natural River District, the assessing officer shall recognize the effect of use limits established by the ordinance Section 30511 of Part 305 of P.A. 451 of 1994.

Any property owner with undeveloped river frontage on the designated portions of the White River or its designated tributaries may sign an open space development rights easement with the state under Part 361 of P.A. 451 of 1994 to obtain direct tax relief.

- 2) Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owner. Such cases may be appealed to the appropriate local board for a variance. Applications for a variance shall be based on a site plan. The county health department, Soil Conservation Service, appropriate field personnel of the Department of Natural Resources and other experts should be consulted to recommend to the appeals board a course of action which will have the least degrading impact on the character of the natural river. Final approval of the variance will be made by the local appeals board.
- 3) Nonconforming Uses: As stated in Section 30512 of the Natural Rivers Act, Part 305 of P.A. 451 of 1994, "the lawful use of any building or structure and of any land or premise as existing and lawful at the time of enactment of a zoning ordinance or rule of an amendment thereof may be continued although such use does not conform with the provisions of the ordinance, rule or amendment. The ordinance or rule shall provide for the completion, restoration, reconstruction, extension or substitution of nonconforming uses upon such reasonable terms as may be set forth in the zoning ordinance or rule."

- b) Land Acquisition:
    - 1) The state may purchase or trade lands with owner consent on the designated river and tributaries to maintain or improve the river and its environment. Efforts should be made by the appropriate divisions of the Department of Natural Resources to purchase lands on or trade other lands for lands along the river as key areas are identified and as funds become available Section 30504 of Part 305 of P.A. 451 of 1994.
    - 2) Some landowners in the Natural River District may be interested in offering scenic or other easements or inserting restrictions in their deeds which coincide with their property interests. The opportunity to obtain such easements or restriction should be pursued.
  - c) State Resources: Overall responsibility for implementing and coordinating the Natural River Plan is assigned to the Region II office of the Department of Natural Resources. The Office of Planning Services and the Department of Natural Resources Natural Rivers Task Force will act in an advisory capacity. Enforcement of water quality standards and water use regulations will be the responsibility of the Water Resources Commission and other divisions of the Department of Natural Resources.
2. Other laws and programs reinforcing natural rivers management objectives should be utilized to the extent necessary to protect the river in implementing the management plan for the river and tributaries. (See Appendix A)

**APPENDIX A****PART 305  
NATURAL RIVERS****324.30501 Definitions.**

Sec. 30501. As used in this part:

(a) "Free flowing" means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification.

(b) "Natural river" means a river that has been designated by the department for inclusion in the wild, scenic, and recreational rivers system.

(c) "River" means a flowing body of water or a portion or tributary of a flowing body of water, including streams, creeks, or impoundments and small lakes thereon.

(d) "System" means all of those rivers or portions of rivers designated under this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30502 Natural river; designation; purpose; long-range plans; publicity; cooperation.**

Sec. 30502. The department, in the interest of the people of the state and future generations, may designate a river or portion of a river as a natural river area for the purpose of preserving and enhancing its values for water conservation, its free flowing condition, and its fish, wildlife, boating, scenic, aesthetic, floodplain, ecologic, historic, and recreational values and uses. The area shall include adjoining or related lands as appropriate to the purposes of the designation. The department shall prepare and adopt a long-range comprehensive plan for a designated natural river area that sets forth the purposes of the designation, proposed uses of lands and waters, and management measures designed to accomplish the purposes. State land within the designated area shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall take cognizance of the plan. The department shall publicize and inform private and public landowners or agencies as to the plan and its purposes, so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and the purposes of the designation. The department shall cooperate with federal agencies administering any federal program concerning natural river areas, and with any watershed council established under part 311, when such cooperation furthers the interest of the state.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30503 Qualifications for designation; categories of rivers.**

Sec. 30503. A river qualifying for designation as a natural river area shall possess 1 or more of the natural or outstanding existing values cited in section 30502 and shall be permanently managed for the preservation or enhancement of such values. Categories of natural rivers shall be defined and established by the department, based on the characteristics of the waters and the adjoining lands and their uses, both as existing and

as proposed, including such categories as wild, scenic, and recreational. The categories shall be specified in the designation and the long-range comprehensive plan. History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30504 Land acquisition; purpose; interest acquired; consent.**

Sec. 30504. The department may acquire lands or interests in lands adjacent to a designated natural river for the purpose of maintaining or improving the river and its environment in conformance with the purposes of the designation and the plan.

Interests that may be acquired include, but are not limited to, easements designed to provide for preservation and to limit development, without providing public access and use. Lands or interests in lands shall be acquired under this part only with the consent of the owner.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30505 Federal financial assistance programs; leases; expenditures; purposes.**

Sec. 30505. (1) The department may administer federal financial assistance programs for natural river areas.

(2) The department may enter into a lease or agreement with any person or political subdivision to administer all or part of their lands in a natural river area.

(3) The department may expend funds for works designed to preserve and enhance the values and uses of a natural river area and for construction, management, maintenance, and administration of facilities in a natural river area conforming to the purposes of the designation, if the funds are appropriated by the legislature.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30506 Public hearings; notice.**

Sec. 30506. Before designating a river as a natural river area, the department shall conduct public hearings in the county seat of any county in which a portion of the designated natural river area is located. Notices of the hearings shall be advertised at least twice, not less than 30 days before the hearing, in a newspaper having general circulation in each such county and in at least 1 newspaper having general circulation in the state and 1 newspaper published in the Upper Peninsula.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30507 Land uses; zoning; local ordinances; state rule.**

Sec. 30507. After designation of a river or portion of a river as a natural river area and following the preparation of the long-range comprehensive plan, the department may determine that the uses of land along the river, except within the limits of an incorporated municipality, shall be controlled by zoning contributing to accomplishment of the purposes of this part and the natural river plan. County and township governments are encouraged to establish these zoning controls and additional controls as may be appropriate, including, but not limited to, building and subdivision controls. The department may provide advisory, planning, and cooperative assistance in the drafting of ordinances to establish these controls. If the local unit does not, within 1 year

after notice from the department, have in full force and effect a zoning ordinance or interim zoning ordinance established under authority of the acts cited in section 30510, the department, on its own motion, may promulgate a zoning rule in accordance with section 30512. A zoning rule may also be promulgated if the department finds that an adopted or existing zoning ordinance fails to meet adequately guidelines consistent with this part as provided by the department and transmitted to the local units concerned, does not take full cognizance of the purposes and objectives of this part, or is not in accord with the purposes of designation of the river as established by the department.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30508 Zoning ordinance or rule; purpose.**

Sec. 30508. A zoning ordinance adopted by a local unit of government or a zoning rule promulgated by the department shall provide for the protection of the river and its related land resources consistent with the preservation and enhancement of their values and the objectives set forth in section 30502. The ordinance or rule shall protect the interest of the people of the state as a whole. It shall take cognizance of the characteristics of the land and water concerned, surrounding development, and existing uses and provide for conservation of soil, water, streambed and banks, floodplains, and adjoining uplands.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30509 Zoning ordinance or rule; establishment of districts; powers; distance.**

Sec. 30509. The ordinance or rule shall establish zoning districts within which such uses of land as for agriculture, forestry, recreation, residence, industry, commerce, and additional uses may be encouraged, regulated, or prohibited. It may limit or prohibit the placement of structures of any class or designate their location with relation to the water's edge, to property or subdivision lines, and to flood flows and may limit the subdivision of lands for platting purposes. It may control the location and design of highways and roads and of public utility transmission and distribution lines, except on lands or other interests in real property owned by the utility on January 1, 1971. It may prohibit or limit the cutting of trees or other vegetation, but such limits shall not apply for a distance of more than 100 feet from the river's edge. It may specifically prohibit or limit mining and drilling for oil and gas, but such limits shall not apply for a distance of more than 300 feet from the river's edge. It may contain other provisions necessary to accomplish the objectives of this part. A zoning rule promulgated by the department shall not control lands more than 400 feet from the river's edge.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30510 Local zoning ordinance; conformance with applicable law; construction.**

Sec. 30510. A local unit of government, in establishing a zoning ordinance, in addition to the authority and requirements of this part, shall conform to the township zoning act, 1943 PA 184, MCL 125.271 to 125.310, or the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, including, but not limited to, the variance provisions of those acts. Any conflict shall be resolved in favor of the provisions of this part. The powers granted under this part shall be liberally construed in favor of the local unit or the department exercising them, in such manner as to promote the orderly preservation or enhancement of the values of the rivers and related land resources and their use in accordance with a long-range comprehensive general plan to ensure the greatest benefit to the state as a whole.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;--Am. 2000, Act 17, Imd. Eff. Mar. 8, 2000.

**324.30511 Districts; valuation for tax purposes.**

Sec. 30511. Upon adoption of a zoning ordinance or rule, certified copies of the maps showing districts shall be filed with the local tax assessing officer and the state tax commission. In establishing true cash value of property within the districts zoned, the

assessing officer shall take cognizance of the effect of limits on use established by the ordinance or rule.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30512 Rules; enforcement; promulgation; variance; existing use.**

Sec. 30512. (1) The department shall prescribe administrative procedures and rules and provide personnel as it considers necessary for the enforcement of a zoning ordinance or rule enacted in accordance with this part. A circuit court, upon petition and a showing by the department that there exists a violation of a rule properly promulgated under this part, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of the rule.

(2) The department shall promulgate a zoning rule to implement this part. The rule shall include procedures for receiving and acting upon applications from local units of government or landowners for change of boundaries or change in permitted uses in accordance with chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. An aggrieved party may seek judicial review under chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306.

(3) A variance from a zoning rule promulgated by the department to implement this part may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and the variance provisions of the zoning rule.

(4) The lawful use of any building or structure and of any land or premise as existing and lawful at the time of enactment of a zoning ordinance or rule or of an amendment of a zoning ordinance or rule may be continued although the use does not conform with the ordinance, rule, or amendment. The ordinance or rule shall provide for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses upon reasonable terms as set forth in the zoning ordinance or rule.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;--Am. 2000, Act 17, Imd. Eff. Mar. 8, 2000.

**324.30513 National wild and scenic river system; administration.**

Sec. 30513. This part does not preclude a component of the system from becoming a part of the national wild and scenic river system under the wild and scenic rivers act, Public Law 90-542, 16 U.S.C. 1271 to 1287. The department may enter into written cooperative agreements for joint federal-state administration of rivers that may be designated under the wild and scenic rivers act.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

**324.30514 Area plans; approval; rules.**

Sec. 30514. The department shall approve preliminary and final plans for site or route location, construction, or enlargement of utility transmission lines, publicly provided recreation facilities, access sites, highways, roads, bridges, or other structures and for publicly developed water management projects, within a designated natural river area, except within the limits of a city or incorporated village. The department may require any measure necessary to control damaging erosion or flow alteration during or in

consequence of construction. The department shall promulgate rules concerning the approvals and requirements provided for in this section.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.



**324.30515 Construction of part.**

Sec. 30515. This part does not prohibit a reasonable and lawful use of any other natural resource that benefits the general welfare of the people of this state and that is not inconsistent with the purpose of this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

## APPENDIX B

### “ALTERATION OF RIVERS” LAWS

Construction on Streams (Act 156, 1951): Authorizes county commissioners to permit or prohibit the construction of dams or bridges on navigable streams. They can also provide for the removal of obstructions.

Construction of Dams in Streams (Part 315 of PA 451): Prohibits dam building on a stream or river impounding more than five acres without a permit from the Department of Natural Resources.

Inland Lakes and Streams Act of 1972 (Part 301 of PA 451): Authorizes the Department of Natural Resources to regulate structures, fills, dredgings and other such actions on waterfronts.

Soil Erosion and Sedimentation Control Act of 1972 (Part 91 of PA 451): Control of soil erosion for the identified land uses of an area to prevent sedimentation of the waters of this state.

Regulate Alteration of Floodplain and Floodways (Act 167, 1968): Authorizes the Water Resources Commission to control alteration of the water courses and the floodplains of all rivers and streams, and to prohibit the obstruction of the floodways of rivers and streams of the state.

Goemaere-Andreson Wetland Protection Act (Part 303 of PA 451): Authorizes the Department of Natural Resources to regulate dredging, filling, draining and other such actions to wetlands, including those contiguous to Michigan rivers (effective October 1, 1980).

### RIVER USE LAWS

Marine Safety Act (Part 801 of PA 451): Sets forth general regulations for the use of vessels on waters of the state. Department of Natural Resources may, via hearings and adoption of rules by local governments, further regulate the use of such waters by special regulation.

Pending Canoe Registration Act: Would require registering of canoes that are intended for use in public waters of the state.

### POLLUTION LAWS AND PROGRAMS

Water Resources Commission (Act 245, 1929): Commission must establish “pollution standards for waters of the state in relation to the use to which they are or may be put.” Has the authority to make regulations and issue orders and permits restricting the polluting content of discharges into state surface and ground waters. Act prohibits discharges of any substance into water which are or may become injurious to public health, safety, welfare; domestic, commercial, industrial, agricultural, recreational or other uses of water; value or utility of riparian lands; to livestock, wild animals, birds, fish, aquatic life or plants, etc. Prohibits structures that will unduly restrict the capacity of the floodway.

Environmental Protection Act (Act 127, 1970): Allows the Attorney General, any public body, and private body or person to sue to enjoin the pollution or likely pollution of any natural resource or obtain relief with respect to such actions.

Clean Water Boding Act (Act 76, 1968 implemented by Act 329, 1966, as amended): For sewage treatment facilities eligible for federal aid, the Water Resources Commission may grant up to 25 percent of the project cost providing that the sum of state and federal aid shall not exceed 80 percent of the project cost.

#### RELATED & GENERAL LAWS APPLICABLE TO NATURAL RIVERS PROGRAM

Shorelands Protection and Management Act (Act 245, 1970): The Great Lakes counterpart of the Natural River Act.

Farmland and Open Space Preservation Act (Act 116, 1974): Provides tax relief for certain property owners signing nondevelopment agreements with the state.

Subdivision Control Act (Act 288, 1967): Regulates the subdivision of land; requires that the land be suitable for building sites and public improvements, and that there be adequate drainage thereof; to control residential building development within floodplain areas, etc.

State Constitution (Act IV, s.52): Legislature must provide for the protection of natural resources.

Department of Conservation (Act 17, 1921): Department must protect and conserve the natural resources of the State of Michigan.

Natural Beauty Roads (Act 150, 1970): Such roads may be established by county road commission upon local petition. After establishment, commission may enact regulations to preserve native vegetation in the road right-of-way.

Safety Zones (Act 61, 1968): Prohibits discharge of firearms within 150 yards of an occupied dwelling.

Reckless Use of Firearms Act (Act 45, 1952):

Recreational Trespass Act (Act 323, 1976): Must have written permission to be on an individual's property, and prohibits possession or discharge of a firearm within the limits of a right-of-way on certain public roads.

#### RIVER PLANNING & DEVELOPMENT ORGANIZATIONS

Local River Management Act (Act 253, 1964): Authority to establish both a watershed council (like a planning or advisory board) and a river management district and board (planning a development agency).

Intermunicipality Study Committee (Act 200, 1957): Two or more municipalities may establish an intermunicipality study committee to study area problems and formulate recommendations to their governing bodies.

**APPENDIX C****DEPARTMENT OF NATURAL RESOURCES  
FISHERIES DIVISION  
WHITE RIVER NATURAL RIVER ZONING**

(By authority conferred on the natural resources commission by section 13 of Act No. 231 of the Public Acts of 1970, being §281.773 of the Michigan Compiled Laws)

**R 281.381 Definitions.**

Rule 1. As used in these rules:

- (a) "Applicant" means a person who requests, on proper forms and pursuant to proper procedures, a zoning permit for a principal use, special use, or variance.
- (b) "Appurtenance" or "accessory building" means a structure that is incidental to a dwelling, including all of the following:
  - (i) Garages.
  - (ii) Residential storage sheds.
  - (iii) Barns and other agricultural storage and livestock structures.
  - (iv) Pump houses.
  - (v) Wells.
  - (vi) Private access roads.
  - (vii) Sanitary facilities.
  - (viii) Electrical service lines.
- (c) "Bluff" means a steep bank which rises sharply from the river's edge.
- (d) "Building inspector" means the agency or individual who is appointed by the appropriate governmental subdivision to issue building permits and to administer the provisions of Act No. 230 of the Public Acts of 1972, as amended, being §125.1501 et seq. of the Michigan Compiled Laws, and known as the state construction code act of 1972.
- (e) "Building permit" means a permit that is issued by the appropriate governmental subdivision as presently required under the provisions of Act No. 230 of the Public Acts of 1972, as amended, being §125.1501 et seq. of the Michigan Compiled Laws.
- (f) "Certificate of zoning compliance" means a standard form which is issued by the zoning administrator upon a determination that the construction and use of land and buildings and structures as provided for by a zoning permit, including the site plan, have been completed and are in compliance with the permit and site plan.
- (g) "Commission" means the natural resources commission.
- (h) "Cutting edge of the river" means the edge of a river or stream where the water velocity is such that it may cause soil or streambank erosion.
- (i) "Director" means the director of the department of natural resources.
- (j) "Family" means either of the following:
  - (i) An individual or group of 2 or more persons who are related by blood, marriage, or adoption and who, together with foster children, servants of the principal occupants, and not more than 2 additional unrelated persons who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit.
  - (ii) A collective number of individuals who are domiciled together in 1 dwelling unit, whose relationship is of a continuing nontransient domestic character, and who are

cooking and living as a single, nonprofit, housekeeping unit. Any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals

whose domestic relationship is of a transitory or seasonal nature shall not be considered a family as defined by these rules.

(k) "Filtered view of the river" means the maintenance or establishment of woody vegetation of sufficient density to screen development from the river, to provide for streambank stabilization and erosion control, to serve as an aid to the infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the river view. "Filtered view of the river" means no clear cutting.

(l) "Floodplain" means land lying within an identified or documented 100-year floodplain line. Also see subdivision (q) of this rule.

(m) "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge a 100-year flood.

(n) "Front" means that segment of a lot or parcel abutting the river's edge of the main stream or tributary.

(o) "Front yard " means setback as provided for in R 281.387(b)(i)(D).

(p) "Home occupation" means a gainful occupation that is traditionally and historically carried on in the home as a use which is clearly incidental and secondary to the use of the home as a dwelling place.

(q) "Land that is subject to flooding" means that area of land adjoining the designated portions of a river and its tributaries which will be inundated by a flood which has a 1% chance of occurring or being exceeded in any given year as determined by detailed hydraulic studies that are acceptable to the Michigan department of natural resources or which, in the absence of such detailed floodplain studies, has a history of flooding or is delineated by approximate methods, such as United States geological survey flood-prone area maps or the federal emergency management agency's special flood hazard boundary maps.

(r) "Lot" means a continuous area or acreage of land which can be described for purposes of transfer, sale, lease, rental, or other conveyance.

(s) "Lot area" means the area inside the lot lines.

(t) "Lot, interior" means a lot of record which is located in the natural river district, but which does not have frontage on the river or its designated tributaries.

(u) "Lot of record" means a lot that actually exists in a subdivision plat as shown on the records of the county register of deeds before the effective date of these rules or a lot or parcel which is described by metes and bounds and which has been recorded at the office of the county register of deeds before the effective date of these rules.

(v) "Natural river district" means the White river natural river district as described in the provisions of R 281.385.

(w) "Ordinary high watermark" means the line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

(x) "Rear yard" means that yard opposite the front yard.

(y) "Reforestation" means the renewal of vegetative cover by seeding, planting, or transplanting.

(z) "River's edge" means the ordinary high watermark as used in the provisions of Act No. 346 of Public Acts of 1972, being §281.951 et seq. of the Michigan Compiled Laws, and as defined in subdivision (w) of this rule.

(aa) "Setback" means the required horizontal distance between any portion of a structure and the river's edge, measured at the structure's closest point to the river's edge.

(bb) "Single-family dwelling" means a detached building, or portion thereof, which is used exclusively for residential purposes, which is designed for, or occupied exclusively by, 1 family, and which contains housekeeping facilities.

(cc) "Soil erosion and sedimentation control enforcement agency" means the local agency that is appointed by the appropriate governmental subdivision to enforce the provisions of Act No. 347 of the Public Acts of 1972, as amended, being §282.101 et seq. of the Michigan Compiled Laws.

(dd) "Structure" means anything which is constructed, erected, or moved to or from any premises and which is located above, on, or below the ground, including buildings, roads, signs, billboards, satellite antennas and other communication structures, fences, and mobile homes. Temporary recreational facilities, including tents, camper trailers, and recreation vehicles, are not considered structures if they are used less than 30 days per year and if they are located landward of the natural vegetation strip or if the facilities are located on a campsite within a campground licensed under the provisions of Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws, if both the individual campsite and the campground were established before the effective date of these rules.

(ee) "Zoning administrator" means the administrator of these rules who is appointed by the commission.

(ff) "Zoning permit" means a standard form which is issued by the zoning administrator when it is determined that the proposed construction of buildings and structures and the proposed use of land and buildings and structures thereon are in compliance with all of the provisions of these rules.

(gg) "Zoning review board" means a group of not less than 3, nor more than 7, people which includes not less than 2 local representatives and 1 department of natural resources representative who is familiar with the local area and which is appointed by the commission to act upon requests as provided for by these rules.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.382 Purpose; intent; scope.**

Rule 2. (1) The commission, on its own motion, to implement the intent of Act No. 231 of the Public Acts of 1970, being §281.761 et seq. of the Michigan Compiled Laws, and in the absence of local zoning to protect the White river, a designated natural river, promulgates these zoning rules for the following purposes:

(a) To promote the public health, safety, and general welfare; to prevent economic and ecological damage due to misuse, unwise development patterns, overcrowding, and overuse within the natural river district; and to preserve the values of the natural river district for the benefit of present and future generations.

(b) To protect the free-flowing condition, fish, aquatic and wildlife resources, water quality, scenic and aesthetic qualities, and historical and recreational values of the White river and adjoining land.

(c) To prevent flood damage due to interference with the natural floodplain characteristics by excluding developments which are vulnerable to flood damage and

which may reduce the capacity of the floodway of the river to withstand flooding conditions.

(d) To provide for uses that complement the natural characteristics of the natural river system.

(e) To protect individuals from investing funds in structures that are proposed for location on lands which are unsuited for such development because of high groundwater, erosion, or vulnerability to flood damage.

(f) To achieve the goals and objectives of the White river natural river plan.

(2) It is the general intent of these rules to define terms used and to regulate and restrict lot coverage and use, population distribution and density, and the size and location of all structures by the delineation of permitted uses and development standards so as to promote the purposes identified in this rule. It is further intended to provide for the administration and enforcement of these rules and to provide penalties for their violation.

(3) It is not the intent of these rules to revoke, annul, cancel, or in any way impair or interfere with existing provisions of law, ordinances, or any rules, regulations, or premises or with any private restrictions placed upon property by covenant or deed. However, where such provisions of law are less restrictive than the provisions of Act No. 231 of the Public Acts of 1970, being §281.761 et seq. of the Michigan Compiled Laws, and the rules promulgated thereunder, the provisions of Act No. 231 of the Public Acts of 1970, and the rules promulgated thereunder shall apply.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.383 Construction of language: severability.**

Rule 3. (1) All of the following rules of construction apply to the text of these rules:

(a) The particular shall control over the general.

(b) In the case of any difference of meaning or implication between the text of these rules and any caption or illustration, the text shall control.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(d) Words used in the present tense shall include the future. Words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

(e) A "building" or "structure" includes any part thereof.

(f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

(g) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(h) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:

(i) "And" indicates that all of the connected items, conditions, or provisions shall apply.



(ii) "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.

(iii) "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.

(i) Terms not defined in these rules shall have the meanings customarily assigned to them.

(2) In any case in which the provisions of these rules are declared by the courts to be unconstitutional or invalid, such ruling shall not affect the validity of the remaining provisions of these rules and to this end the provisions of these rules are declared to be severable.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.384 Lot size and area; subdivision of land; home occupations; natural vegetation strip; signs; docks; height of structures.**

Rule 4. (1) Unless otherwise provided for within these rules, any lot or parcel of property created after the effective date of these rules, or amendments thereto, shall have a minimum area of 50,000 square feet and a minimum average width of 200 feet throughout the length of the lot or parcel on the White river main stream and all designated tributaries. The average lot width shall be based on the average of the combined widths of the front and rear lot lines.

(2) A lot that exists on the effective date of this rule, or amendment thereto, shall not be subdivided or reduced in dimension or area below the minimum requirements of these rules. Lots that are created after the effective date of this rule shall meet the minimum requirements of these rules, except as provided in subrules (3) and (4) of this rule.

(3) Proposed lots which have preliminary plat approval pursuant to the provisions of Act No. 288 of the Public Acts of 1967, as amended, being §560.101 et seq. of the Michigan Compiled Laws, but which do not meet the dimensional requirements of these rules on their effective date, shall, on final plat approval, be issued a permit subject to the requirements provided in R 281.389.

(4) Lots of record which are created before the effective date of these rules, or amendments thereto, and which do not possess sufficient land area or lot width may be used for the purposes described within these rules, subject to the requirements provided for in R 281.389.

(5) Home occupations shall conform to both of the following requirements:

(a) The use of the dwelling unit, or related structure, for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation shall not occupy more than 30% of the aboveground floor area of the dwelling unit. This requirement shall apply whether the home occupation is contained wholly within the dwelling unit or utilizes a garage.

(b) Equipment or a process shall not be used in a home occupation that is conducted in a single-family dwelling unit or its associated garage if it creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable to the normal senses off the premises, and shall not be used in a home occupation that is conducted in other than a single-family dwelling unit or its associated garage if it creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable to the normal senses outside the dwelling unit.

(6) Within the natural river district, not less than a 50-foot restrictive cutting belt shall be maintained on each side of the main stream of the White river and all designated tributaries. Trees and shrubs may be pruned for a filtered view of the river, but clear cutting in the natural vegetation strip is prohibited. The natural vegetation strip is also subject to all of the following provisions:

(a) Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy and poison sumac, may be removed.

(b) The selected removal or trimming of trees for timber harvest, access or woodlot improvements, landscaping, public utility lines to service private single-family dwellings and other permitted uses is permitted upon approval of the zoning administrator.

(c) Camping is not permitted in the natural vegetation strip.

(7) Signs shall not be visible from the river, except:

(a) "No Trespassing" signs if the signs are not more than 1 square foot in area and are spaced a minimum of 100 feet apart.

(b) One identification sign of rustic design, associated with a canoe livery, campground or rental cabins, which is not more than 6 square feet in area. The sign shall be for the purpose of identification of a designated watercraft landing site and shall be located at the designated landing site.

(c) Signs posted by public agencies to provide for public safety such as warning of impending dangers in the river, or to identify a public access site or campground. Such signs may need to be larger than 6 square feet in area to accomplish their designated purpose. Signs which identify a public access site or campground shall be of rustic design.

(8) Private boat docks shall be in compliance with all of the following requirements:

(a) Docks shall not be more than 4 feet in width and not more than 20 feet in length, with not more than 4 feet of the dock extending over the edge of the river.

(b) Docks shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.

(c) Unless provided for within these rules, only 1 dock shall be constructed per lot.

(9) Unless otherwise provided for within these rules, a structure shall not be more than 2 1/2 stories in height, not including a basement.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.385 Boundaries; interpretation of boundaries; filing of zoning map.**

Rule 5. (1) The boundaries of the White river natural river district shall be as described in these rules and as depicted on the certified White river natural river zoning map. The White river natural river zoning district comprises an area which is described as follows:

(a) The main stream of the White river from 8-Mile road, northwest corner of section 28, township 15 north, range 12 west in Newaygo county downstream to US-31, Muskegon county, excluding the following: from the north city limit of White Cloud down to old M-20 west of the city, from the east city limit of Hesperia down to the west city limit and those portions within the city limits of Whitehall and Montague.

(b) Mullen creek from 6-Mile road downstream to White river.

(c) Five Mile creek from Pine avenue downstream to White river.

(d) Flinton creek from Pine avenue downstream to Catalpa avenue.

(e) Wrights creek from Comstock road downstream to White river.

- (f) Mena creek from Minnie lake dam downstream to White river.
  - (g) Martin creek from Warner avenue in section 2, township 14 north, range 13 west, downstream to White river.
  - (h) East branch Heald creek from Crosswell road downstream to Martin creek.
  - (i) Braton creek from Wilkie road downstream to White river.
  - (j) Cushman creek from 192nd avenue downstream to White river.
  - (k) Skeels creek from 192nd avenue (Holton Duck Lake road) downstream to White river.
  - (l) North branch White river from 197th avenue downstream to White river.
  - (m) Robinson creek from Woodrow road downstream to North branch.
- (n) Swinton and Osborn (Cobmoosa) creek from Filmore road downstream to North branch.
  - (o) Newman creek from 132nd avenue downstream to North branch.
  - (p) Knutson creek from Garfield road downstream to North branch.
  - (q) Sand creek from outlet of Dressler lake downstream to White river.
  - (r) Carlton creek from Arthur road downstream to White river.
  - (s) Mud creek from outlet of Heitman lake downstream to Carlton creek.
  - (t) Carleton (Landford) creek from Walsh road downstream to White river.
  - (u) Silver creek from Silver creek road downstream to White river.
  - (v) Cleveland creek from Russell road downstream to White river.
  - (w) The lands lying within 400 feet of the river's edge which are enumerated in subdivisions (a) to (v) of this subrule.
- (2) Where uncertainty exists with respect to the boundaries of the district as shown on the zoning map, all of the following provisions shall apply:
- (a) Boundaries that are indicated as approximately following the centerline of streets or highways shall be construed to follow the centerline.
  - (b) Boundaries that are indicated as approximately following lot lines shall be construed as following the lot lines.
  - (c) Boundaries that are indicated as approximately following city, village, township, or county boundary lines shall be construed as following the city, village, township, or county boundary lines.
  - (d) Boundaries that are indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
  - (e) Boundaries that are indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shorelines, shall be construed as moving with the actual shorelines. Boundaries that are indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline.
  - (f) Boundaries that are indicated as parallel to or extensions of features specified in subdivisions (a) to (e) of this subrule shall be so construed. Distances that are not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - (g) Where physical or natural features that exist on the ground are at variance with those shown on the official zoning map or in other circumstances are not covered by the provisions of subdivisions (a) to (f) of this subrule, the zoning review board shall interpret the district boundaries.

(h) Insofar as a portion or all of the district may be indicated on the zoning map by a pattern which, for the sake of map clarity, does not cover public rights-of-way, it is intended that the district boundaries do extend to the center of any public right-of-way.

(3) Certified copies of the White river natural river zoning map shall be filed with all of the following entities:

(a) The state tax commission.

(b) Local tax assessing officers.

(c) Township and county clerks.

(d) The natural rivers unit of the Michigan department of natural resources.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.386 Zoning permits; site plans; certificates of zoning compliance.**

Rule 6. (1) A building or other structure shall not be erected, moved, added to, or structurally altered, and a land use shall not be commenced, without a zoning permit as specified by these rules and as issued by the zoning administrator. Permits shall not be required for exempt activities as specified in R 281.387(1). Plans that are submitted when applying for a zoning permit shall contain the necessary information for determining compliance with these rules.

(2) Concurrent with applying for a zoning permit, an applicant shall submit a site plan of the proposed development. The site plan shall include the entire area that is proposed for development. The zoning administrator, in the case of a principal use application, or the zoning review board, in the case of a special use application, shall have the authority to require adjustments in the site plan as a condition for approval to ensure that the proposed development meets all standards contained in these rules. Except as otherwise waived by the zoning administrator, in the case of a principal use application, or the zoning review board, in the case of a special use application, a site plan shall show and include all of the following, either existing or proposed:

- (a) A site plan drawn to scale, with the scale indicated.
- (b) Property dimensions.
- (c) The size, shape, use, and location of existing and proposed buildings or improvements, including distances to adjacent property boundaries and the river's edge.
- (d) Existing vegetation, including the location and type.
- (e) Adjacent streets and highways.
- (f) Parking areas.
- (g) Bluff heights.
- (h) Entrances to public streets.
- (i) A description of the building design, including proposed construction materials.
- (j) Drainage facilities.
- (k) The location and description of the method to dispose of sanitary wastes.
- (l) Proposed landscaping.
- (m) The location of footpaths.
- (n) Signs proposed, including the size, location, and material.
- (o) North arrow.
- (p) Date of drawing.
- (q) Detailed site location map.
- (r) Any additional information deemed by the zoning administrator or zoning review board to be necessary to carry out the administrator's or board's duties. Examples of such information include the following:
  - (i) Soil types.
  - (ii) Topography.
  - (iii) Building elevations.
  - (iv) Site photographs.
  - (v) Anticipated traffic volumes.
  - (vi) Traffic circulation patterns.
  - (vii) Other pertinent site information.

(3) A building, structure, or lot for which a zoning permit has been issued shall not be occupied, and a use for which a zoning permit has been issued shall not commence,

until the zoning administrator has, after final inspection, issued a certificate of zoning compliance that certifies compliance with all of the provisions of these rules. However,

the issuance of a certificate of compliance shall not be construed as waiving any provision of these rules. A building that is accessory to a dwelling shall not require a separate certificate of zoning compliance, but may be included in the certificate of zoning compliance for the dwelling if shown on the site plan and if completed at the same time as the dwelling. A record of all certificates that are issued shall be kept on file in the office of the zoning administrator. Certificates of zoning compliance are for the purposes of these rules and shall not be interpreted as substitutes for certificates of occupancy that are required by local building codes.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.387 Land use and development standards.**

Rule 7. Land uses within the natural river district are classified as exempt, principal, or special uses and are described as follows:

(a) Exempt uses are uses which are permitted by right and which are not subject to receipt of a zoning permit. Exempt uses include all of the following:

(i) Private, noncommercial recreation which does not involve permanent structures, equipment, or other devices, but which includes camping, boating, fishing, hunting, and other similar activities.

(ii) Reforestation and other accepted forest management practices, subject to the limitations specified in R 281.384(6)(b).

(iii) Agriculture, including general and specialized farming, unless the bureau of environmental protection of the Michigan department of natural resources determines that such use will significantly contribute to stream degradation.

(iv) The operation of licensed motor vehicles on dedicated public roads or private roads that are designed to provide access to a permitted use.

(v) The off-road operation of emergency and public utility maintenance vehicles. The off-road operation of other motorized vehicles is prohibited in the natural vegetation strip as specified in R 281.384(6).

(vi) Private footpaths that are constructed by the landowner of natural materials to facilitate access to permitted uses.

(vii) Signs, subject to the provisions of R 281.384(7).

(b) Principal uses are uses which are allowed by right, but which require the issuance of zoning permits by the zoning administrator. Principal uses include all of the following:

(i) Single-family dwellings, if all of the following provisions are complied with:

(A) Only 1 dwelling shall be permitted per lot of record.

(B) Each lot shall be not less than 50,000 square feet.

(C) The dwelling lot shall have a minimum average width of 200 feet throughout its length.

(D) Building setback for lots, including all appurtenances and accessory buildings, shall be not less than 150 feet from the ordinary high watermark on the portions of the main stream from 8-mile road, northwest corner of section 28, T15N, R12W, Newaygo county, downstream to Lutes bridge (Baldwin road), T14N, R13W, Newaygo county, and from Podunk bridge between sections 9 and 10, T13N, R15W, Oceana county, downstream to US-31 in Muskegon county. The setback may be decreased 5 feet for every 1 foot of rise in bank height above a minimum of 7 feet above the ordinary high watermark to a minimum of 100 feet. Building setback shall be not less than 100 feet

from the ordinary high watermark on the main stream from Lutes bridge (Baldwin road) downstream to Podunk bridge and all designated tributaries. The setback may be decreased 5 feet for every 1 foot of rise in bank height above a minimum of 7 feet above

the ordinary high watermark to a minimum of 75 feet. Buildings and appurtenances shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream. Building shall not take place on land that is subject to flooding.

(ii) Accessory buildings that meet the setback requirements of paragraph (i) of this subdivision.

(iii) A private boat dock.

(iv) Utility lines to service private, single-family dwellings.

(v) Disposal fields and septic tanks, if all of the following provisions are complied with:

(A) The fields and tanks shall be located not less than 100 feet from the ordinary high watermark.

(B) A septic tank or absorption field shall not be located closer than 50 feet to any surface or subsurface drainage system that enters into the White river or its designated tributaries.

(C) The bottom of the pit associated with an earth privy shall not be less than 4 feet above the known high groundwater table.

(vi) Mining and extracting industries, if located not less than 300 feet from the ordinary high watermark.

(vii) Residential single-family dwelling plats, if the minimum standards specified in paragraph (i) of this subdivision are met.

(viii) Home occupations.

(ix) Land alteration, such as grading, dredging, and filling of the land surface, unless the high groundwater table is within 4 feet of the existing natural land surface.

(c) The White river natural river plan and these rules recognize that certain types of residential, recreational, and commercial uses may be appropriate for the natural river district that have not been identified under the exempt and principal uses provisions of this rule. Such uses may result in intensities of development and use higher than would be anticipated under the exempt and principal uses. To ensure that such uses do not contravene the goals and objectives of the White river natural river plan and these rules such uses shall be referred to as special uses and shall be subject to the review and approval of the zoning review board. Special uses and their development standards include all of the following:

(i) Detached rental cabins, if all of the following provisions are complied with:

(A) The number of cabins permitted shall be based on the rate of 1 cabin per 200 feet of river frontage. Clustering of rental cabins is encouraged; however, the ratio of 1 cabin per 200 feet of river frontage shall not be exceeded.

(B) Each cabin and all associated buildings, structures, or other related devices shall be set back a minimum of 200 feet from the ordinary high watermark.

(C) Fences and greenbelts may be required by the zoning review board for rental cabins that are adjacent to existing residential uses. Fencing shall be constructed of natural material. Greenbelts shall consist of plant material that is indigenous to the area or as approved by the zoning review board.

(D) Boat docks may be erected for the private use of occupants of the rental cabins and their guests. Docks shall be in compliance with the requirements of R 281.384 and both of the following provisions:

- (1) Docks may be constructed at the rate of 1 dock for each permitted rental cabin.
- (2) Access to a dock or docks shall be along a single designated footpath to minimize disruption of the natural vegetation strip.

(ii) Campgrounds, including tents, travel trailers, campers, and motor homes, with associated noncommercial buildings, cement pads, and utility hookups, if all of the following provisions are complied with:

(A) Campgrounds shall be constructed and maintained in accordance with all applicable state regulations.

(B) A commercial enterprise shall not be permitted to operate in the campground within the natural river district, except that a convenience goods shopping building that is not more than 1,500 square feet may be provided. The building shall not be more than 1 story in height.

(C) Each site and all associated buildings, structures, and other related devices shall be set back a minimum of 200 feet from the ordinary high watermark.

(D) Fences and greenbelts may be required by the zoning review board for campgrounds that are adjacent to existing residential uses. Fencing shall be constructed of natural material. Greenbelts shall consist of plant material that is indigenous to the area or as approved by the zoning review board.

(E) A camping site shall not have more than 4 sites per acre. Clustering of campsites is encouraged; however, the ratio of 4 sites per acre shall not be exceeded.

(F) Boat docks may be erected for the private use of the occupants of the campsites and their guests if both of the following provisions are complied with:

(1) The total number of docks shall not be more than 1 dock for each 200 feet of river frontage.

(2) Access to the dock or docks shall be along a single designated footpath to minimize disruption of the natural vegetation strip.

(iii) Canoe, boat, and other watercraft liveries, if all of the following provisions are complied with:

(A) Parked vehicles and off-season canoe and boat storage areas shall not be visible from the river.

(B) Boat docks may be erected at the ratio of 1 dock per 200 feet of river frontage.

(C) Other than the rental of watercraft, other commercial enterprises shall not be permitted to operate.

(D) A rental office which is associated with the operation of the livery and which does not have more than 225 square feet may be constructed. The building shall not be more than 1 story in height.

(E) Access to the dock or docks or place of river entry from the canoe or boat rental office shall be along a single designated footpath to minimize disruption of the natural vegetation strip.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.388 Application and approval; procedures and standards; principal uses and special uses.**

Rule 8. (1) An application for a principal use shall be submitted and processed under the following procedures:



(a) An application for a principal use shall be made on an application form that is available from the zoning administrator and shall be returned to the zoning administrator. A completed application shall contain all of the following information:

- (i) A completed application form that is signed by the applicant or the applicant's representative.
- (ii) Two copies of a site plan that meets the requirements of R 281.386(2).

(iii) Evidence of ownership or a legal interest in the property that is affected by the application for a principal use.

(b) Within 15 days of receipt of an application for a principal use, the zoning administrator shall notify the applicant of the need for additional information.

(c) Within 30 days of receipt of a completed application, the zoning administrator shall issue or deny a permit. If a permit is denied, notice of the denial, together with the reasons for the denial, shall be sent to the applicant.

(d) Concurrent with the issuance of a zoning permit, an applicant shall receive a copy of the approved site plan.

(e) Before commencing construction of a principal use, an applicant shall display the permit required by these rules face out in a conspicuous place facing the nearest street or roadway and shall display it continuously until the purpose for which the permit was issued is completed.

(f) Zoning permits are valid for 1 year and are not transferable. All buildings shall be completed within 1 year from the date of issuance of the zoning permit. However, 1 extension may be authorized by the zoning administrator, in writing, for a period of not more than 6 months if conditions pertaining to the issuance of the original permit remain unchanged. Application for an extension shall be made before permit expiration. Any subsequent extensions shall have the written approval of the zoning review board.

(2) An application for a special use permit shall be submitted and processed under the following procedures:

(a) An application for a special use permit shall be made on an application form that is available from the zoning administrator and shall be returned to the zoning administrator. A completed application shall contain all of the following information and attachments:

- (i) A completed application form that is signed by the applicant or the applicant's representative.
- (ii) Eight copies of a site plan that meets the requirements of R 281.386(2).

(iii) Evidence of ownership or a legal interest in the property that is affected by the application for a special use.

(iv) A list of all property owners, together with their addresses, who are located within 300 feet of the applicant's property which is being considered for a special use.

(b) The application, together with the required attachments, shall be submitted not less than 30 days before the meeting of the zoning review board at which the application is to be considered.

(c) The zoning review board shall conduct at least 1 public hearing and shall require all of the following notifications of such hearing to be made not less than 5, nor more than 15, days before consideration of the special use application:

- (i) One notice shall be published in a newspaper that circulates in the township in which the proposal is located.

(ii) Notice shall be sent by first-class mail or personal delivery to the owners of property for which approval is being considered and to all persons who are identified in subdivision (a)(iv) of this subrule.

(iii) Notice shall also be sent to all of the following entities:

- (A) The natural rivers unit of the Michigan department of natural resources.
- (B) Local tax assessing officials.
- (C) Township and county clerks.
- (D) Local building inspectors.

(d) In considering a special use application, the zoning review board shall require that all of the following general standards, in addition to those specific standards established for each special use in R 281.387(c), be satisfied:

(i) That the purposes noted in R 281.382 are accomplished.

(ii) That a compelling reason exists to locate the proposed use within the district boundaries if contiguous property under the same ownership is available outside the district.

(iii) That the proposed use in combination with other existing uses will not be a detriment to the public health, safety, and welfare.

(e) The zoning review board may impose conditions deemed necessary to accomplish the general and specific standards applicable to the proposed use.

(f) The concurring vote of a majority of the members of the zoning review board shall be required to approve a special use.

(g) A special use that is granted by the zoning review board shall be valid for 1 year from the date of approval. If construction has not, in the opinion of the zoning review board, commenced and proceeded meaningfully at the end of the 1-year period, the zoning administrator shall notify the applicant, in writing, of the expiration of the special use approval.

(h) If it is determined by the zoning review board that the applicant has failed to comply with any of the requirements of these rules or the approval granted, the board, after a public hearing held in accordance with the provisions of subdivision(c) of this subrule, may revoke any special use approval.

(i) An application for a special use which has been denied by the zoning review board shall not be submitted for reconsideration unless, in the opinion of the zoning administrator, new and significant facts and conditions exist which might result in favorable action upon resubmission.

(j) Concurrent with the issuance of a special use permit, an applicant shall receive a copy of the approved site plan, with conditions, if any.

(k) Before commencing construction of a special use, an applicant shall display the permit required by these rules face out in a conspicuous place facing the nearest street or roadway and shall display it continuously until the purpose for which the permit was issued is completed.

History: 1992 MR 7, Eff. July 18, 1992.

### **R 281.389 Variances and variance hearings.**

Rule 9. (1) A dimensional variance from any standard established in these rules may be granted by the zoning review board after a public hearing or in certain instances by the zoning administrator as provided in subrule (3) of this rule to allow a modification from a standard that establishes an area, yard, height, floor space, frontage, setback, or similar numerical restriction, but only after substantive evidence establishes that there are

practical difficulties in carrying out the strict letter of these rules. A variance shall be permitted only when it is consistent with the general purposes and intent of these rules.

(2) The zoning review board or zoning administrator shall consider all of the following factors in determining if there are practical difficulties in carrying out the strict letter of these rules as specified in subrule(1) of this rule:

(a) How substantial the variance is in relation to the zoning requirements.

(b) Whether a substantial change will be affected in the character of the area or a substantial detriment created for adjoining properties.

(c) Whether the difficulty can be overcome by some feasible method other than a variance.

(d) Whether, in view of the manner in which the difficulty arose, and considering all of the factors specified in subdivisions (a) to (c) of this subrule, the interests of justice will be served by allowing the variance.

(e) Whether the plight of the landowner is due to circumstances which are unique to his or her property and which are not created by the landowner.

(f) Whether the variance may result in a material adverse effect on the environment.

(3) For the purposes of these rules, the required hearing and review of a variance request by the zoning review board shall be waived for certain minor dimensional variances of principal uses, including legal nonconforming uses. Such variances shall be handled by the zoning administrator, who shall consider the provisions of subrule (2) of this rule in making a determination. The zoning administrator shall prepare a written finding of fact that details the reasons for approval or denial of the minor variance request. Minor variances include the variances specified in the following provisions:

(a) Reductions in setbacks for uses on lawful lots that are not more than 25% of the normal dimensional requirements. Such uses shall include principal or accessory buildings or structures and any portion thereof, including additions, porches, and steps.

(b) Reductions in setbacks for uses on lawful nonconforming lots, including lots within subdivisions, that are not more than 25% of the normal dimensional requirements. Such uses shall include principal or accessory buildings or structures and any portion thereof, including additions, porches, and steps. Conditions may be imposed on an applicant before granting a variance. Such conditions shall be in writing and signed by the applicant before the applicant receives a variance.

(4) A land use variance is a land or building use in contravention of any of the use requirements of these rules. The zoning review board may, after a public hearing, grant a variance upon a finding of unnecessary hardship, which may be found upon substantial evidence being submitted that all of the following factors exist:

(a) The property cannot be used in a manner that is consistent with existing zoning.

(b) The hardship results from the application of these rules to the applicant's property.

(c) The hardship of which the applicant complains is suffered by his or her property directly and is not shared by others.

(d) The hardship is not the result of the applicant's own actions.

(e) The hardship is peculiar to the applicant's own property.

(5) In determining whether reasonable use may be made of the property as zoned, a reasonable economic return may be a factor which could be considered, but only if the applicant is in compliance with the provisions of subrules(1) to (4) of this rule. Whether any weight shall be given to the economic return factor shall be dependent on a

determination that the owner has been deprived of all beneficial use of his or her property under existing zoning.

(6) The zoning review board shall, after finding that unnecessary hardship exists, also find that, based on adequate evidence, the proposed use meets all of the following conditions:

(a) The use will be consistent with and in accordance with the general objectives of the White river natural river plan.

(b) The use will be designed, constructed, operated, and maintained so as to be consistent with and appropriate in appearance with the existing or intended character of

the natural river district and that such use will not change the essential character of the natural river district.

(c) The use will be adequately served by existing essential public facilities and services, such as highways, police and fire protection, drainage structures, refuse disposal, and sanitation facilities, or that the persons or agencies that are responsible for the establishment of the proposed use shall be able to adequately provide any such service.

(d) The use will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any persons, property, or the environmental quality of the district because of the excessive production of noise, smoke, fumes, glare, or odors or require the outdoor storage of raw materials or discarded materials produced in the use processes.

(e) The use will be consistent with the intent and purposes of these rules.

(f) The use or the structures to be used therefor will not cause an overcrowding of the land or an undue concentration of population that will result in degradation to the river and district.

(g) The use plot area is sufficient, appropriate, and adequate for the use and the reasonable anticipated operation and expansion thereof.

(7) Upon receipt of an application for a variance, the zoning review board shall conduct a hearing on the request, except as provided for in subrule (3) of this rule. The hearing and notice procedure shall follow that established for special use applications by the provisions of R 281.388(2)(c). A decision shall be made within 30 days after the hearing to approve or deny the variance request. The zoning review board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings, and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The board shall record the vote of each member on each question. If a member is absent or fails to vote, the board shall indicate such fact. All records shall be open for public inspection. The concurring vote of a majority of the members of the zoning review board shall be necessary to effect a dimensional variance in these rules, except that a concurring vote of 2/3 of the members of the board of appeals shall be necessary to grant a land use variance permitted in these rules.

(8) The zoning review board shall not issue a land use variance when the district allows the use as a special use.

(9) The effect of any variance shall be to create a nonconforming land use or structure which shall then be subject to the terms of R 281.390, which regulates continued use.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.390 Nonconforming uses, lots, and structures.**

Rule 10. (1) It is recognized that there exists, within the natural river district, lots, structures, and uses of land and structures which were lawful before these rules were promulgated or amended and which would be prohibited, regulated, or restricted under the terms of these rules or future amendments. It is the intent of these rules to permit legal nonconforming uses, structures, or lots to continue until they are brought into conformity and, in certain instances, to permit the limited expansion of certain legal nonconforming uses and structures.

(2) A nonconforming (substandard) lot shall be in compliance with the minimum requirements of the dimensional requirements of these rules, except as such substandard nonconforming lot may be used pursuant to the provisions of R 281.389.

(3) Where, at the effective date of these rules or amendment of these rules, a lawful use of land exists that is made unlawful under the terms of these rules as promulgated or amended, the use may be continued if it remains otherwise lawful, subject to all of the following provisions:

(a) The nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of these rules or amendment of these rules, except in the case of campgrounds, canoe liveries, and rental cabins which do not meet the standards for special uses specified in R 281.387(c). Such lawful nonconforming uses may be expanded if the increased use meets the standards for special uses specified in R 281.387(c). Expansion of a lawful nonconforming use shall be treated as a variance pursuant to the provisions of R 281.389.

(b) The nonconforming use shall not be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of these rules or amendment of these rules, unless the move would result in a greater degree of conformity with these rules.

(c) If the nonconforming use of land ceases for any reason for a period of 12 months, any subsequent use of the land shall conform to the requirements specified by these rules.

(4) Where a lawful structure exists at the effective date of these rules or amendment of these rules that is made unlawful under the terms of these rules as promulgated or amended, the structure may be continued if it remains lawful, subject to all of the following provisions:

(a) The structure shall not be enlarged or altered in a way which increases its nonconformity; however, when a single-family dwelling or a structure associated with a campground, a canoe livery, or rental cabins is classified as nonconforming, alterations, repairs, and additions, including accessory buildings, may be erected if the gross floor area of all such alterations, repairs, and additions, including accessory buildings, is not more than 50% of the gross floor area of the nonconforming structure, cumulative from the date of nonconformance to the date of the request if any enlargement to a lawful nonconforming structure, to the extent possible, is in compliance with all setback and other building requirements. Expansion of a lawful, nonconforming structure shall be treated as a variance pursuant to the provisions of R 281.389.

(b) If the nonconforming structure is destroyed by any means to an extent that is more than 50% of its replacement cost, restoration of the structure shall be treated as a variance pursuant to the provisions of R 281.389. In determining whether the structure

has been destroyed to an extent that is more than 50% of its replacement cost, the zoning review board or zoning administrator shall use appraised replacement costs, as determined by a qualified individual who is appointed by the zoning review board or zoning administrator, and shall compare the value of the part destroyed to the value of the total operating unit where there are several structures which are used together by the landowner as a single operating unit. The request for restoration of a nonconforming structure which is destroyed to an extent that is more than 50% of its replacement value shall be approved if all of the following conditions exist:

- (i) The land on which the structure is located is not subject to flooding.
- (ii) The continued use of the nonconforming structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the construction of the

structure is approved by the local soil erosion and sedimentation control enforcement agency.

- (iii) The continued use conforms with local county health codes and is approved by the local county health department.

(iv) The continued use conforms with local building codes and is approved by the local building inspector.

(v) The restoration of a damaged structure that is approved by the zoning review board or zoning administrator shall be started within 1 year from the time of the damage.

(c) The nonconforming structure shall not be moved, in whole or in part, to any other portion of the lot or parcel that is occupied by the structure at the effective date of these rules or amendment of these rules, unless the move would result in a greater degree of conformity with these rules.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.391 Zoning administrator and zoning review board; appointment; duties.**

Rule 11. (1) The commission shall appoint a zoning administrator and zoning review board to act as its agents to enforce these rules.

(2) The zoning administrator shall do all of the following:

- (a) Provide necessary forms and applications and receive and process applications.
- (b) Determine and verify zoning compliance when the applicant's plans are found to conform with the provisions of these rules.
- (c) Conduct site inspections to ensure compliance with these rules.
- (d) Issue any authorized permits and certificates of zoning compliance.
- (e) Identify and record information relative to nonconformities.
- (f) Maintain files of applications, permits, and other relevant documents.
- (g) Schedule meetings and hearings for, and provide assistance to, the zoning review board.
- (h) Act on variances as permitted by the provisions of R 281.389(3).

(3) The zoning review board shall do all of the following:

- (a) Adopt rules of procedure that govern the transaction of its business.
- (b) Act upon requests for special use permits.
- (c) Act on certain dimensional and land use variances pursuant to the provisions of R 281.389.
- (d) Act on the interpretation of the official zoning map pursuant to the provisions of R 281.385(2)(g).

(4) In establishing the zoning review board, the commission shall cooperate with, and seek the advice of, all of the following entities:

- (a) Affected townships and counties.
- (b) Soil conservation districts.
- (c) Property owners' associations.
- (d) Other interested local organizations and citizens.

(5) The commission shall request each affected township to appoint 1 person to represent its interest on matters within its jurisdiction. The commission shall request each affected county to appoint 2 persons to represent its interests on matters within its jurisdiction. One of the 2 persons shall be a county official who works in planning, zoning, public health, soil erosion and sedimentation control, or a related field. The commission shall request that each affected soil conservation district appoint 1 person to represent its interest on matters within its jurisdiction. Representatives who are appointed pursuant to this rule shall vote only on those matters within their respective

jurisdictions. If affected townships, counties, or soil conservation districts do not appoint someone to represent them within 60 days from the request by the commission, the commission may make appointments on its own motion.

(6) In accord with procedures specified in subrule(5) of this rule, the commission shall request that each governmental unit and organization that appoints regular members to the zoning review board also appoint 1 alternate member to represent the governmental unit or organization. The alternate member may be called to sit as a regular member in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member who is appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the zoning review board.

(7) The zoning review board shall hold at least 1 meeting annually for such purposes as adopting or amending rules of procedure, establishing officers, educational purposes, or to conduct any manner of business as provided for by these rules.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.392 Appeals; contested cases.**

Rule 12. An aggrieved party who contests the decision of the zoning administrator or zoning review board shall be granted a hearing if a petition is filed with the director within 60 days after notice of disapproval is received. The hearing shall be conducted pursuant to the provisions for contested cases of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, and R 299.3071 to R 299.3081.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.393 Violations; effect; remedies.**

Rule 13. (1) After the effective date of these rules, a building or structure or land shall not be used or occupied, and a building or structure or part thereof shall not be erected, constructed, reconstructed, moved, or structurally altered, unless the building, structure, or land is in compliance with the provisions of these rules. A permit or variance shall not be approved, and action shall not be taken, if approval of the permit or variance or the action taken violates the provisions of these rules. The commission shall not waive any of its rights or remedies against any person who violates these rules if the violations were committed in reliance on an authorization erroneously given in violation of any

provision of these rules. Any authorized permit, variance, or action that is contrary to the provisions of these rules is deemed invalid from the date of the authorization.

(2) In addition to all other remedies, the commission may institute appropriate action or proceedings to prevent, restrain, correct, or abate rule violations or threatened violations.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.394 Boundaries and permitted uses; changes, amendments, and supplements; precedence of local zoning ordinance over rules.**

Rule 14. (1) The commission may make changes, amendments, and supplements to boundaries and to permitted uses requested by a local unit of government or by a landowner following a hearing held pursuant to the provisions of sections 71 to 87 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.287 of the Michigan Compiled Laws, if implementation of the change, amendment, or supplement does not contravene the purposes of these rules as specified in R 281.382.

(2) Copies of any changes, supplements to boundaries, or adopted amendments shall be sent to all of the following entities:

- (a) The county register of deeds.
- (b) Township and county clerks.
- (c) The local building inspector.
- (d) Local soil erosion and sedimentation control enforcement agencies.
- (e) The soil conservation district.

(3) Upon approval by the director, a local zoning ordinance that meets all of the requirements of Act No. 231 of the Public Acts of 1970, being §281.761 et seq. of the Michigan Compiled Laws, Act No. 184 of the Public Acts of 1943, as amended, being §125.271 et seq. of the Michigan Compiled Laws, or Act No. 183 of the Public Acts of 1943, as amended, being §125.101 et seq. of the Michigan Compiled Laws, whichever is applicable, shall take precedence over these rules. If the director withdraws his or her approval of a local zoning ordinance, or if the local ordinance becomes inapplicable to the land area encompassed by the White river natural river district through court action or for any other reason, these rules shall apply.

History: 1992 MR 7, Eff. July 18, 1992.

**R 281.395 Rescission.**

Rule 15. R 281.71 to R 281.82 of the Michigan Administrative Code, appearing on pages 842 to 852 of the 1979 Michigan Administrative Code, are rescinded.

History: 1992 MR 7, Eff. July 18, 1992.