

Algoma	3,088	6,500
Sparta	6,466	7,660
Tyrone	2,638	4,150
Rockford	<u>2,428</u>	<u>3,800</u>
TOTAL	31,555	51,500

Unregulated housing development along the river could easily destroy its present beauty and natural characteristics. Fortunately, the townships in Kent County through which the Rogue flows are presently zoned. Although they have no "greenbelt zoning" the fact that they have all retained the same attorney should make development of common Natural River zoning ordinance amendments feasible.

It is possible that industrial, municipal and agricultural diversions of surface water could also increase. Presently four industries use approximately 416 million gallons of surface water per year; municipalities draw about 138 million gallons per year; and it is possible that irrigation of such things as golf courses could increase.

LAWS AND PROGRAMS REINFORCING OBJECTIVES OF THE NATURAL RIVERS PROGRAM

A number of Michigan laws now authorize Department of Natural Resources' programs or activities for partial protection of rivers. Officials administering the Natural Rivers Program for the protection of the Rogue should utilize these statutes in implementing the plan objectives for the river and its tributaries (see appendix).

The proposed Department of Natural Resources' program to establish rules for river use on heavily used streams may also be directed toward protecting natural rivers, particularly those rivers where recreational use is or may be expected to be quite heavy. The rules have been designed to protect the river resources and recreational experiences that are characteristic of a particular stream.

*Projected populations are not available for villages other than Rockford.

ROGUE RIVER MANAGEMENT PLAN

A. Proposed Designation

The 42-mile long Rogue River is a designated trout stream providing quality trout fishing close to Michigan's second largest metropolitan area. Approximately 90 miles of cold water tributaries contribute the clear fresh water and spawning areas necessary to maintain a natural fishery. Its relatively undeveloped borders offer seclusion to the angler, canoeist or hiker. The upper four miles in Kent County flow through the Rogue River State Game Area. Because of their unique

natural characteristics, it is recommended the following portions of the Rogue River system be classified as County-Scenic River and be designated as a Natural River by the Natural Resources Commission under Part 305, P.A. 451 of 1994:

The mainstream of the Rogue River from 20 Mile Road downstream to the confluence with the Grand River should be included as "mainstream" designation. Spring, Cedar, Duke, Stegman, Rum, Shaw and Barkley Creeks from their headwaters to their confluences with the Rogue should be included as "tributary" designation.

B. Natural River District

The Rogue River Natural River District is a strip of land 300 feet wide on each side of and parallel to the river and its specified tributaries. Establishment of this district in no way implies a taking of private lands by the State or opening them up to public use. Private land remains private and subject to the rights of private ownership with respect to public use. Existing structures are not affected. The district merely establishes a definable area within which certain types of development and use will be controlled so as not to be injurious to most of the existing private development and to maintaining the river for its scenic and recreational values. Private ownership within the Natural River District for the proposed mainstream and tributaries is estimated to be about 9,000 acres.

C. Water Quality

The existing high water quality will be maintained. The river will be monitored periodically by the Surface Water Quality, Department of Environmental Quality staff to ensure continued maintenance of high water quality (Part 31, P.A. 451 of 1994).

D. Land Development

1. Building Setbacks: New buildings and appurtenances thereto in the Natural River District shall be setback at least 150 feet from the river's edge on the mainstream and 100 feet on designated tributaries. The Department of Natural Resources agrees that new structures on state land will adhere at least to minimum setback requirements or, where possible, be placed further back and out of view.
2. Subdivisions: New subdivisions and unplatted lots in the Natural River District shall accommodate a 150 foot building setback from the water's edge on the mainstream and a 100 foot building setback from the water's edge on designated tributaries and 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, 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 DNR area forester will advise on planting stock.
4. Commercial and Industrial Structures: No commercial or industrial structures or uses shall be permitted in the 300-foot Natural River District.*
5. Cutting, filling or building in a flood plain shall be prohibited.
6. Building on the uplands within the 300-foot district where the highest ground water table is within six feet of the surface shall be prohibited.
7. Stream Alteration: To protect the natural character of the river, and the natural flow of its waters, no damming, dredging, filling or channelization will be permitted in the portions of the Rogue River or tributaries designated under the Natural Rivers Act unless approved by the Department of Natural Resources (Part 305, P.A. 451 of 1994). Water withdrawal will be permitted in accordance with the riparian doctrine of reasonable use. Stream improvements for fish habitat or other natural resource management practices which might alter the natural character of the stream, must be approved by the Department of Natural Resources.
8. Utilities: Gas or oil pipelines, or electric transmission lines shall not be permitted in the Natural River District or to cross the designated river and tributaries except on existing right-of-way without prior written consent of the Natural Resources Commission. Plans for these transmission lines which include crossing the Natural River District, or river and designated tributaries, must be approved by the Natural Resource Commission (Part 305, P.A. 451 of 1994). New distribution lines shall not cross the designated portions of the river or housing setback zones unless they are placed underground. Plans for distribution lines which are to be placed under the river should be approved by the Regional Manager of the Department of Natural Resources. Local service lines to private dwellings shall originate from the landward side of the dwelling.
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 shall post signs at access sites emphasizing respect for private property rights and penalties for littering and trespassing. Signs for the sales of products or services shall be prohibited on private property in the Natural River District.
10. Docks: Docks may be constructed not to exceed six feet in width nor more than 20 feet in length with no more than four feet of the dock

extending over the water. The use of "natural" materials should be encouraged.

11. Disposal of Solid Wastes shall be prohibited in the Natural River District.

E. Land Use

1. Natural Vegetation Strip: Trees, shrubs, and other vegetation types native to the area shall be maintained on each side of the river to protect and enhance the river's natural values.
 - a. State-owned Land: The DNR agrees that on state-owned land a 100 foot natural vegetation strip shall be maintained on each side of the mainstream and designated tributaries. On non-designated tributaries the State Forest Management Plan shall determine forest management practices within these water influence zones.
 - b) Private Land: On private frontage, a natural vegetation strip 50 feet wide bordering each side of the river shall be maintained on the designated mainstream and 25 feet wide on the designated tributaries (Part 305, P.A. 451 of 1994). Cutting and removal of only dead, diseased, unsafe or fallen trees and noxious weeds and shrubs is permitted, except that trees and shrubs in one corridor per lot may be pruned for a view of the river upon approval of the zoning administrator and area forester.
2. Grazing shall not be permitted within these natural vegetation strips if the Surface Water Quality, Department of Environmental Quality determines grazing contributes to stream degradation. In those cases, livestock shall be fenced out to protect the riverbanks. Cattle crossings and water areas shall be constructed so as not to cause damage to the stream.
3. On private lands adjacent to and within one-quarter mile of the Natural River District, it is recommended that the local Soil Conservation Districts, County Extension Service and Department of Natural Resources cooperate with landowners to ensure that timber harvest, agricultural practices, housing, road building or other development, are compatible with the country-scenic designation of the river.
4. Minerals: New development, exploration or production of gas, salt brine, sand and gravel or other minerals except ground water are not permitted within the Natural River District or the designated river or tributaries on private lands (Sec. 10, Natural Rivers Act). Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of streams on state land.

E. River or River Related Activities

1. Boating and Canoeing:

The use of motorized watercraft will be prohibited from West River Drive upstream.

2. Campgrounds and Picnic Areas:

- a) No new structures incidental to a campground or picnic area shall be permitted within 150 feet of designated mainstream and 100 feet of designated tributaries.
- b) The DNR agrees that no new structures incidental to state campgrounds shall be permitted within 300 feet of the designated mainstream or tributaries.

3. Fishing and Hunting

- a) Fishing and hunting will continue to be permitted in the Natural River District and adjoining land areas under current laws and regulations.
- b) Emphasis will be given to maintaining the high-quality trout fishery and a quality fishing experience.
- c) Wildlife management practices if undertaken in the Natural River District will be done in conformance with the character of the area.

F. Access and Motorized Travel

- 1. Public Access: Additional vehicular access shall not be provided to the river. New public roads, highways and river crossings shall not be permitted in the Natural River District. Plans for relocations or improvements to public roads must be approved by the Natural Resources Commission (Part 305, P.A. 451 of 1994). Road access to private property shall be permitted upon approval of the proper zoning authority. Private road access shall not be permitted within 150 feet of the mainstream or within 100 feet of designated tributaries.
- 2. Motor Vehicles:
 - a) Licensed motor vehicles shall be prohibited in the 300 foot Natural River District except for travel on existing public roads, private roads and designated trails on publicly owned lands.
 - b) Amphibious vessels, all terrain vehicles or other offroad machines for which licenses are not required shall be prohibited on publicly owned land in the Natural River District except on such trails as may be designated.

3. 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 District (Part 315, P.A. 451 of 1994).

G. Administration

1. Property Control

- a) Zoning by local governmental units shall be the chief means of protecting the Rogue and its designated tributaries as a Country-Scenic River under the Natural River Plan.
 - 1) Zoning shall be applied within the 300-foot Natural River District on both the mainstream and designated 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 (Part 305, P.A. 451 of 1994).
 - 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. The district wildlife supervisor, district fish executive or other experts shall be consulted to recommend to the appropriate board a course of action which will have the least degrading impact on the character of the Natural River.
 - 3) Nonconforming uses: As stated in Part 305, 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 or 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 to purchase lands on or trade other lands for lands along the river as key areas are identified and as funds become available (Part 305, P.A. 451 of 1994).
 - 2) Some landowners in the natural River District may be interested in offering scenic or other easements which coincide with their property interests. The opportunity to obtain such easements by gift or purchase should be pursued.
- c) Cooperative Agreements shall be developed with Federal and State agencies to support the Natural River Program by implementing policies which will provide financial assistance for practices which will protect and enhance the quality of the natural river and its tributaries, and conversely, will not provide grant assistance, loan funds or ensure mortgages for any person or contractors who develop project plans which are not in harmony with the Natural River concept and plan.
 - d) State Resources: Overall responsibility for implementing and coordinating the Natural River Plan is assigned to the Fisheries Division of the Department of Natural Resources. Enforcement of water quality standards and water use regulations will be the responsibility of the Surface Water Quality and other divisions of the Department of Environmental Quality.
 - e) Other Public Properties: Agreements between the Department of Natural Resources and other public landowners such as the county will be developed as required and feasible.
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 its tributaries. (See Appendix A)
- I. Management of Areas beyond the Natural River District

It is recommended that local governmental units zone areas within the river influence district to maintain the integrity of the Rogue River and designated tributaries as a Country-Scenic River:

1. By limiting residential development to low density single-family structures or medium density cluster developments. Medium density cluster developments are recommended because it is easier to provide services and control.
2. By providing districts where industry which may product noise, smoke, fumes, odors, etc., will not affect the wilderness aspect of the river area.

3. By providing districts for commerce where heavy traffic, parking, automobile exhaust and noise will not create environmental intrusions.