

PRELIMINARY NATURAL RIVER PLAN

A. Goal

To preserve, protect and enhance the river environment in a natural state for the use and enjoyment of present and future generations.

B. Objectives

1. To maintain water quality consistent with the designated classification of the river and adhere to the concept of nondegradation of water quality.
2. To prohibit development or activities which may damage the ecologic, aesthetic or historic values of the river and adjacent lands.
3. To ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream.
4. To ensure that recreational uses which occur, be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

C. It is recommended that the following portions of the Flat River be designated a country-scenic river under authority of (Part 305, P.A. 451 of 1994), the Natural River Act (approximate mileage--mainstream 70; tributaries 39).

Mainstream. From the M-46/M-66 bridge in Montcalm County to the northern limits of the City of Lowell, excluding those portions which flow through the incorporated city limits of Greenville and Belding.

Tributaries.

1. Dickerson Creek from Sidney Road (Sidney Township) to its confluence with the Flat River (20.3 miles).
2. Wabasis Creek from Mills Avenue (Oakfield Township) to its confluence with the Flat River (6.8 miles).
3. Coopers Creek from Lincoln Lake Avenue (Spencer Township) to its confluence with the Flat River (1.5 miles).
4. Clear Creek from Lincoln Lake Avenue (Spencer Township) to its confluence with Cooper Creek (2.8 miles).
5. West Branch Creek from its source in Pine Township to its confluence with the Flat River (7.1 miles).

These tributaries possess the necessary outstanding fish, wildlife, scenic, aesthetic, floodplain, ecologic, historic or recreational values to be of statewide significance and hence, should be considered for designation.

Other tributaries not recommended for designation may still be protected through adoption of protective zoning ordinances at the local level.

D. Natural River District

The Flat River Natural District includes an area 300 feet wide on each side of and parallel to all channels of the mainstream and designated tributaries. This district establishes a defineable area within which local zoning may guide future development and use. ESTABLISHMENT OF THIS DISTRICT IN NO WAY IMPLIES A "TAKING" OF THESE LANDS BY THE STATE OR OPENING THEM UP TO THE PUBLIC USE. PRIVATE LANDS REMAIN PRIVATE AND ARE SUBJECT TO THE RIGHTS OF PRIVATE OWNERSHIP.

E. Residential Housing

Unplatted lost and new subdivisions in the Natural River District shall accommodate the building setbacks as set forth in Section G, and shall have a minimum riverfront lot width of 100 feet on the mainstream and all designated tributaries.

Lots of property of record that are nonconforming at the time of the effective date of these regulations because of lack of size to accommodate building setbacks from the water's edge shall be allowed to be built upon and variances shall be allowed for required setbacks upon such reasonable terms as set forth by the zoning board, providing that structures be so placed as to best meet the objectives of the Natural River Act.

One single family dwelling will be permitted on each lot or parcel within the Natural River District subject to the building setbacks as a detached building or structure designed for or occupied exclusively by one (1) family and containing housekeeping facilities.

F. Industrial and Commercial Structures and Uses

1. New industrial use and buildings, and expansion of existing uses and buildings will not be permitted within 300 feet of the designated river and tributaries.
2. Commercial uses and buildings; such as gas stations, motels, restaurants, retail stores, etc., will not be permitted within 300 feet of the designated river and tributaries. However, certain commercial uses requiring special exception permits may be compatible with maintaining the natural aspects of the river. Those uses permitted under the special exception procedure shall be strictly controlled. Controls on location, parking, drainage, setback, natural vegetation strip, signs, and hours of operation of the proposed use, shall all be considered in the special exception procedure. Those uses which may be compatible with natural river designation include:
 - a) Commercial crop farms or forest plantations that are landward of the native vegetation strip.
 - b) Campgrounds that are constructed, maintained and operated in accordance with State Health Department (Act 17, P.A 1970), including

tent, travel trailer, camper and motor home uses, buildings, cement pads, hookups, etc. in conformance with established setbacks.

- c) Sales, rental and service of recreational watercraft.
- d) Small home operated businesses such as photography studio, beauty shop, home repair, insurance or other businesses which do not alter the residential nature of the property and are in conformance with established setbacks.
- e) Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.

G. Building Setback

On the designated portions of the Flat River mainstream and tributaries, new buildings and appurtenances will be required to setback a minimum of 100 feet from the ordinary high water mark* or 25 feet from an identified or documented 100-year flood plain line, whichever results in the greatest distance from the edge of the river. Further, new buildings and appurtenances must be setback at least 50 feet from the top of a bluff.**

H. Building Design and Screening

1. Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings. Upon request to the Department of Natural Resources, individual property owners will receive technical advice on location and design of structures and management of their lands.
2. Property owners of new or existing buildings visible from the river are encouraged to screen them with native vegetation. On request, the Department of Natural Resources Area Forester will advise on planting stock, etc. When available at state nurseries, recommended planting materials will be supplied to property owners at cost.

*Ordinary high water mark means "the line between upland and bottomland which persists through successive changes in water levels, 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. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark." (This is the definition for administration of the Inland Lakes and Streams Act, Part 305, P.A. 451 of 1994.)

**"Bluff" means the top of a steep bank rising sharply from the water's edge.

I. Docks

The construction of docks along the designated portions of the Flat River is discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, docks may be constructed not to exceed four

feet in width nor more than 16 feet in length with no more than four feet of the dock extending over the water. Docks must be constructed in accordance with the rules of Part 305, P.A. 451 of 1994. The use of "natural" materials and camouflaging is encouraged. Property owners are encouraged to build "log-sod covered" docks. Upon request from the property owner, the Department of Natural Resources will supply plans and specifications for this type of dock or assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of natural rivers designation.

J. On-Site Sanitation Systems

All habitations within the Natural River District shall be provided with sanitary waste disposal facilities conforming in type to those required by health specifications of the State of Michigan and the county or district health department having legal jurisdiction. The facilities provided may be for either water borne waste disposal by the septic tank absorption tile field method or for nonwater borne disposal by the use of a health department approved or other state approved sanitary system.

New septic tanks and absorption tile fields or other approved sanitary systems within the Natural River District shall be located not less than 100 feet from the ordinary high water mark or an identified 100-year floodplain line, whichever results in the greatest distance from the edge of the river. The absorption field shall be located in a well-drained area and the bottom of the field shall be at least four feet above the known high groundwater table. No absorption field shall be closer than 100 feet from any surface or subsurface drainage system, including sump pumps discharging into the river or its tributaries.

The bottom of an earth privy shall be not less than four feet above the known high groundwater table. Where this is not feasible, a watertight vault shall be installed.

K. Only those signs necessary for: (a) identification, (b) direction, (c) resource information, (d) regulation of use, and (e) related to permitted uses, shall be placed along the designated river and tributaries. Within the Natural River District, signs for the sale of products or services shall be prohibited. Signs within the Natural River District must be:

1. Not illuminated.
2. Stationary and with no moving parts.
3. In conformance with the following standards:
 - a. Signs may not be larger than one square foot in area posted no more than one per 100 feet or one sign posted at upstream and downstream corner of lot. However, one temporary real estate "For Sale" sign per parcel of land not to exceed four square feet in area shall be allowed outside of the natural vegetation strip (as described in Section S).
 - b. Signs posted by public agencies must be kept to a minimum, of rustic design, no larger than 10 square feet in area, not attached to any tree

or shrub, and placed so as to best meet the objective of the Natural River Act.

The Department of Natural Resources shall initiate a signing program at major access sites along the mainstream emphasizing litter control and respect for private property.

L. Minerals

New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except groundwater are not permitted within 300 feet of the designated portions of the Flat River or tributaries (Section 10, Natural River Act). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of any major stream.

M. Utilities

New gas or oil pipelines, or electric transmission lines shall not be permitted in the Natural River District or to cross the designated portions of the Flat River and the tributaries without prior written consent of the Department of Natural Resources. Plans for these transmission lines which include crossing the river district or the river and designated tributaries shall be done in accordance with the rules entitled Utilities and Publicly Provided Facilities in Natural Rivers Areas (Part 305, P.A. 451 of 1994).

New distribution lines shall not cross the designated portions of the river or housing setback zone unless they are placed underground. Overhead lines may be used if they 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 Soil Erosion and Sedimentation Control Act (Act 347, P.A. 1972) and the Inland Lakes and Streams Act (Act 347, P.A. 1972). Local service lines to private dwellings shall originate from the landward side of the dwelling insofar as practical.

Management of trees, shrubs and other vegetation for maintenance of utility rights-of-way shall be done manually in the natural vegetation strip. However, hand application of herbicides to stumps of selectively cut trees will be allowed in the natural vegetation strip where it is the objective to establish and maintain a low growing shrub community in this zone. The Department may authorize application of selected pesticides to control insect or disease infestations.

N. Agriculture

1. Tilling and plowing outside of the natural vegetation strip, and grazing will not be affected by natural rivers designation, but will continue to be permitted unless the Department of Environmental Quality determines that it contributes to stream degradation (Part 305, P.A. 451 of 1994). In those cases, the necessary measures to protect the riverbanks will be taken. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.
2. Water withdrawal for irrigation will not be affected by natural river designation, but will continue to be permitted in accordance with the riparian doctrine of reasonable use.

O. Disposal of Solid Wastes

No unsightly or offensive material, including but not limited to: trash, refuse, junk cars, junk appliances or garbage, including liquid wastes (except for on-site sanitation systems from private homes) shall be dumped, stored or buried within the Natural River District.

P. Stream Alteration

To protect the natural character of the Flat River and its tributaries, 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 Flat River or tributaries designated under the Natural River Act unless approved by the Department of Natural Resources under authority of the Inland Lakes and Streams Act (Part 301, P.A. 451 of 1994).

However, the dam, which was located in the Flat River State Game Area on Dickerson Creek (Kiddville Dam) may be reconstructed. Such reconstruction may be permitted for purposes of wildlife habitat improvement and for fisheries values, provided it is done in accordance with the purposes and objective of natural river designation.

Natural materials should be used to construct stream bank stabilization projects to control erosion, or to enhance fisheries habitat. These structure should be camouflaged and the local conservation officer or district fish biologist contacted to provide technical advice for such projects.

Permission must be obtained from the property owner when removing fallen trees and log jams from the river. If any extensive removal of log material from the bottom is planned, advice should be sought from the district fish biologist.

Q. Land Alteration

Cutting or filling for building, including appurtenances, on the floodplain and filling for buildings on the upland within 300 feet of the river's edge where the highest ground water table is within four 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 the Inland Lakes and Streams Act, Part 301, P.A. 451 of 1994.

R. Soil Erosion and Sediment Control Measures

All earth changing activities, other than normal landscaping or maintenance, undertaken within 500 feet of a lake or stream, must be conducted in accordance with the requirements of Act 347 of the Public Acts of 1972, its administrative rules and those procedures established by the local enforcing agency.

Development along the Flat River and its tributaries involving earth moving shall provide for water disposal and/or protection of the soil surface during and after construction.

Practical combinations of the following will provide effective erosion control when skillfully used in planning and construction:

1. The development plan should be fitted to the soils and topography so as to create the least erosion potential. Local offices of the Soil Conservation Service can provide detailed information on the soil characteristics of a given site and on the suitability of such soils for various uses.
2. Wherever feasible during construction, natural vegetation shall be retained and protected. Where adequate vegetation does not exist, temporary or permanent vegetation shall be established where possible.
3. Where it is necessary to remove vegetation for construction, limit the exposed area to the smallest practical size at any one time.
4. Limit the duration of exposure to the shortest practical time.
5. Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
6. Permanent vegetation and improvements, such as roads, storm sewers and other features of development capable of carrying storm runoff in a safe manner, shall be installed as early as possible.
7. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after construction.
8. Sediment basins to remove suspended soil particles from runoff water from land undergoing development should be constructed and maintained wherever erosive conditions indicate their need to prevent sediment damage to the river.
9. Diversions, grassed waterways, grade stabilization structures, and similar mechanical measures required by the site shall be installed as early in the development as possible.

Natural Vegetation Strip on Adjacent Shorelines

Trees, shrubs and other vegetation types native to the area shall be maintained and enhanced on each side of the Flat River and its tributaries to retain the river's natural values. The presence of the natural vegetation strip is to help in stabilizing river banks, prevent erosion, provide shading which will help maintain cool water temperatures, absorb nutrients from surface water runoff, provide screening of man-made features, enhance fisheries and wildlife habitat and maintain the aesthetic natural quality of the river.

Public Land. On all publicly owned land, a 50-foot minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.

Private Land. On privately owned land, a 25-foot minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.

Distance of natural vegetation strip is measured horizontally from the ordinary high water mark.

1. **Restricted Cutting and Removal of Vegetation:** Cutting of dead, diseased, unsafe or fallen trees is allowed. Removal of trees for commercial timber harvest, access or woodlot improvement shall be allowed only upon specific approval of the local zoning administrator and the Department of Natural Resources or their representative.
2. **Selected Cutting for Visual Access:** Trees and shrubs may be selectively pruned or removed for a filtered view of the river upon approval of the local zoning administrator or the Department of Natural Resources or their representative. A filtered view of the river means maintenance or establishment of woody vegetation of sufficient density to screen new developments from the river, provide for streambank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water. It need not be so dense as to completely block the river view. It means no clear cutting.
3. **Planting of Native Vegetation:** Planting of native species is encouraged in the vegetation strip to enhance and protect the river's edge. The Department of Natural Resources or the Soil Conservation Service may be consulted for selection of native plant species. For purposes of erosion control and/or screening of existing developments within the Natural River District and where available at state nurseries, recommended planting materials will be supplied to property owners at cost from the Department of Natural Resources.

S. Recreation

1. **Campgrounds and Picnic Areas:** On public land, no new structures associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within 300 feet of the designated Flat River mainstream or tributaries without approval of the Department of

Natural Resources. Such structures shall be designed and constructed in such a manner as to further the purposes and objectives of the Natural River Act, and shall meet established setbacks. No public campgrounds along the Flat River are recommended at this time.

2. Fishing, Hunting and Trapping:
 - a. Fishing, hunting and trapping will be permitted in the Natural River District in accord with current state and local laws and regulations.
 - b. IT IS EMPHASIZED THAT NATURAL RIVER DESIGNATION, OR ESTABLISHMENT OF A ZONING DISTRICT ALONG THE RIVER, DOES NOT OPEN PRIVATE LANDS TO THE PUBLIC.
 - c. Fisheries and wildlife management practices will be done in conformance with the character of the area and objectives of the "country-scenic" classification of the natural river designation.

3. Boating and Canoeing:
 - a. Nonmotorized boating and canoeing is permitted.
 - b. Use of motorized watercraft will be permitted in accordance with local controls promulgated under authority of the Marine Safety Act (Act 303, P.A. 1967).

4. Litter: In view of the special status of the Flat River and its unique beauty and character, the Department of Natural Resources shall initiate river clean-up programs in cooperation with local governmental units, riparian landowners and other interested agencies and groups.

T. Public Access Sites

With a couple of exceptions, public access along the Flat River is limited to road crossings and dam sites. The following is recommended to provide safe access to the river, protect resource values and to help minimize trespass on private lands. The development of such facilities will be done in conformance with this plan. To help control trespass, litter and other associated public use problems, toilet and trash collection facilities may need to be located closer than established setbacks so that they can be seen from the river.

An access site should be established at Greenville at the dam or immediately downstream. Another access site is recommended approximately 5.5 miles downstream at Bricker Road (Montcalm-Ionia county line). This site would be located in the Flat Rive State Game Area.

Six miles downstream of Bricker Road is the dam below the City of Belding. An access site/portage is developed at this location. The construction cost for this facility was shared with the City of Belding which provided 10 percent of the funds and the other 90 percent provided by the Waterways Division of the Department of Natural Resources. This facility provides safe movement of

canoes around the dam, and a convenient rest stop below the Greenville access in terms of time and location, as well as being a convenient put in and take out point. The access site is located below the dam portage.

White's Bridge Dam is located about 8.5 miles below Belding. An access site is recommended at this location. White's Bridge historic site is located approximately 3.5 miles downstream of the White's Bridge Dam. White's Bridge is the oldest of Michigan's four remaining wooden covered bridges. There presently exists no public access at this point. It is recommended that an access site be provided which will protect and enhance the integrity of this important historic resource.

Six miles below White's Bridge is Fallasburg Park. The park is operated by the Kent County Parks Commission, where the second covered bridge is located. No additional launch or take out facilities are recommended.

Three miles below Fallasburg Park is Burroughs Dam. This dam must be portaged on the left if downstream travel is desired.

Approximately 2.5 miles downstream of Burroughs Dam is Vergennes Road, and 2.5 miles farther is Lowell Dam. It is recommended an access site be located in the area between Burroughs Dam and Lowell Dam.

U. Motorized Vehicles

Operation of all motorized vehicles except normal farm and lawn machinery other than on designated public roads or private access roads to permitted uses, will be prohibited within the Natural River District.

Use of ORV's on publicly owned land contiguous to the Natural River District shall be in conformance with guidelines and regulations of the agency administering such lands, and with state and federal noise level standards strictly enforced. (Muffler requirement of MVC - Section 7, Act 300, P.A. 1949, etc.)

V. Historic and Archaeologic Sites and Districts

The numerous historic and archaeologic sites and districts adjacent to the river offer a unique opportunity to view Michigan's past. The further identification, preservation and interpretation of historical and archaeological site along the Flat River and its tributaries, by public agencies and local historical societies is strongly encouraged.

W. Administration

1. Land Use Guidelines:

- a. Zoning under Part 305, P.A. 451 of 1994, zoning by local government units shall be the chief means of protecting the Flat River and its designated tributaries as a natural river.

- 1) Zoning shall be applied within the 300-foot 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.

Those townships which, at the date of natural river designation, have adopted and had approved protective zoning for the Flat River and tributaries as a result of previous action by the Natural Resources Commission resolutions, will not be required to take additional action under this plan.

In establishing the 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).

Local government units are urged to adopt building setbacks, vegetation management and septic system controls for other streams under their jurisdiction not within the natural rivers designation.

- 2) Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the property owner along the Flat River. 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 staff and 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 determination of the variance shall be made by the local appeals board.
- 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 an amendment thereof may be continued although such use does not conform with the provisions of the ordinance, rule or amendment. The

*Site Plan means a surface view showing elevations or contours of the ground, including existing earth fills; generalized vegetative cover; size, location and spatial

arrangement of all proposed and existing structures and uses on the site; location and elevations of streets, access roads, water supply and sanitary facilities.

ordinance or rule shall provide for the completion, restoration, extension or substitution of nonconforming uses upon such reasonable terms as may be set forth in the zoning ordinance or rule."

- b. Land Acquisition. The state may purchase or trade lands with the owner's consent on the designated portions of the Flat River and its tributaries to maintain or improve the river and its environment.
 - c. Any property owner with undeveloped river frontage on the designated portions of the Flat River or its designated tributaries may sign an open space development rights easement with the state under Act 116, P.A. 1974 to obtain potential tax relief.
 - d. Some landowners in the Flat River Natural River District may be interested in offering scenic or other easements or inserting restrictions in their deeds which serve to protect the river environment and which coincide with their property interests. The opportunity to obtain such easements or restrictions should be pursued.
 - e. State Resources. Overall responsibility for implementing and coordinating the natural river plan is assigned to the Region III Director of the Department of Natural Resources. The Natural River Program Unit of the Department of Natural Resources Natural Rivers Task Force will act in an advisory capacity. Enforcement of water quality standards and water of use regulations will be the responsibility of the Surface Water Quality Division and other divisions of the Department of Environmental Quality.
 - f. Other Public Land. Cooperative agreements between the Director of the Department of Natural Resources and the chief administrative officer of other public agencies administering lands within the Natural River District will govern the use and management of those lands in accordance with the provisions of this plan.
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).

X. Management of Areas Beyond the Natural River Zone

Land use and water resources are closely related. What happens on the lands beyond the Natural River District but within the drainage area of the Flat River affects the river. Local units of government adjacent to the district, through their powers to influence the location, timing and nature of development, can have a positive effect on water resources.

It is recommended that local governmental units zone adjacent to the Natural River District to maintain the integrity of the Flat 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 produce noise, smoke, fumes, odors, etc., will not affect the natural characteristics of the river area.
3. By providing districts for commerce where heavy traffic, parking, automobile exhaust and noise will not create environmental intrusion.

Further, it is recommended that local units of government incorporate water resource protection and/or management measures into their plans, programs and decisions involving land use. Such measures are of particular importance when dealing with lands in the stream corridor as defined below.

A stream corridor essentially consists of lands contiguous to the stream, the alteration or development of which could potentially cause direct impacts on the stream and its environment. It is a composite of:

1. Soil types with severe limitations for development.
2. Vegetation along creek banks.
3. Wetlands.
4. Slopes.
5. Flood profiles when known.

Sensitive areas involving one or more of the above factors may occur within the drainage area of the river, but outside of the Natural River District itself. Modification or development within such areas may adversely affect water resource benefits within the district or create problems requiring costly public investment to rectify.

It is recommended that local units of government consider such measures as regulating changes in surface water runoff from specific locations through use of the site plan review process; and protecting sensitive areas outside of the Natural River District through use of conditional use permit procedures. Local units of government should seek the assistance of, and work with, local agencies involved with water resources.

On private lands adjacent to and within one-quarter mile of the Natural River District, it is recommended that the local Soil Conservation Districts, local Soil Erosion and Sedimentation Control agencies, Cooperative Extension Service and the Department of Natural Resources cooperate with landowners to ensure that timber harvest, agricultural practices, housing, road building or other land use activities are compatible with the country-scenic designation of the river and with maintaining the water quality of the river.