



## CITY COUNCIL MEETING AGENDA

**October 24, 2022 – 7:00 pm**

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.  
The meeting will also be available live, virtually on Zoom.*

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Consent Agenda:** *(Roll Call)*
  - A. Regular City Council Meeting Minutes – October 10, 2022
  - B. Accounts Payable in the amount of \$136,070.85
5. **Staff Reports:**
  - A. City Manager
  - B. Treasurer
  - C. Planning and Zoning
  - D. Department of Public Works
  - E. Fire
  - F. Police
  - G. Engineer
6. **Agenda Changes** (Additions/Deletions)
7. **Guest Speakers**
8. **Public Comment on Agenda Items Only** (Limit 3 minutes)
9. **Introduction of Ordinances**
10. **Public Hearings**
11. **Unfinished Business**
12. **New Business:**
  - A. Pavement Management Presentation
  - B. Coastal Alliance
  - C. Special Event-Veterans Day

**NOTICE:**  
Join online by visiting:  
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:  
**(312) 626-6799 -or-  
(646) 518-9805**

Then enter "Meeting ID":  
**2698572603**

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or [JWolters@saugatuckcity.com](mailto:JWolters@saugatuckcity.com) for further information.

**13. Public Comments** (Limit 3 minutes)

**14. Correspondence:**

A. Lauren Hodson

B. Daniel Fox

C. Dick Watson

**15. Boards, Commissions & Committees Reports**

**16. Council Comments**

**17. Mayor's Comments**

**18. Adjourn** (*Voice Vote*)



**CITY COUNCIL MEETING MINUTES-*Proposed***  
**October 10, 2022**

The City Council met for Regular Council Meeting at 7:00 p.m.  
City Hall  
102 Butler St., Saugatuck, MI 49453.

**Call to Order:**

The meeting was called to order by Mayor Lewis at 7:00 p.m.

**Attendance:**

Present: Mayor Lewis, Mayor Pro-Tem Dean, Gardner, Leo, Stanton & Trester.

Absent: Councilmember Bekken.

Others Present: City Manager Heise, DPW Superintendent Herbert, Deputy Clerk/DPW Assistant Williams & Clerk Wolters.

**Consent Agenda:**

**A.** Regular City Council Meeting Minutes – September 26, 2022.

**B.** Accounts Payable in the amount of \$116,609.22.

*Motion by Leo, second by Trester, to approve the consent agenda as presented.  
Upon roll call vote, motion carried 6-0.*

**Staff Reports:**

City Manager, Treasurer, Zoning Administrator, DPW Superintendent, Engineer and Police submitted status reports of current activities since the last Council meeting on September 26<sup>th</sup>, 2022, for their respective departments. Lt. Ensfield was on-line for questions from Council.

**Agenda Change:**

Mayor Lewis removed agenda item #12C and moved page 41 of the packet ahead of the historic district markers cover page.

**Public Comment on Agenda Items Only:**

David Swan, City of Saugatuck- Said thank you to Council for all their hard work at the last workshop. He looks forward to the next workshop.

Jane Verplank, City of Saugatuck- Reference the cover page for the Holiday/Seasonal lighting where it states staff discussion with legal counsel concerns about a rebid also discussed feeling comfortable with the council's ability to renew the contract. She can not find anywhere where this discussion took place and what the motion was and how the council voted.

**Introduction of Ordinances:** None

**Public Hearings:** None

**Unfinished Business:** None

**New Business:**

**A. Zoning and Floodplain Manager Appointment:**

The City is required to have a Zoning Administrator and Floodplain Administrator; these duties belonged to Interim Zoning Administrator and Floodplain Manager Ryan Heise. I'm recommending to Council that Ryan Cummins be appointed as the Zoning and Floodplain Administrator for the City of Saugatuck.

*Motion by Stanton, second by Leo, to appoint Ryan Cummins as the Zoning and Floodplain Administrator. Upon voice vote, motion carried 6-0.*

**B. Saugatuck/Douglas Historical Markers:**

Council received a presentation from Dr. Eric Gollanek, the Executive Director for the Saugatuck-Douglas History Center, supported by Mr. Bill Hess. City Council appeared to be complementary of the signs and locations for Jones Park and Oval Beach.

*Motion by Trester, second by Gardner, to approve the presented locations for the Saugatuck Historic Markers project at Jones Park and Oval Beach with final approval subject to the Historic District Commission approval and review. Upon voice vote, motion carried 6-0.*

**C. Holiday Lighting:**

This proposal goes beyond their three-year contract. Staff discuss with legal counsel concerns about requiring a rebid. Counsel discussed feeling comfortable with Council's ability to renew the contract. City purchase policy has been sent to legal counsel for additional review. Proposal/s for Holiday Lighting in the amount- \$21,145.00 with an additional option for Wicks Park \$2,800.00, total- \$23,945.00. Legal Counsel spoke regarding exceptions of needing to go to bid for these proposals.

*Motion by Trester, second by Stanton, to approve the contract with Nick's groundcover in amount not to exceed \$24,000.00 for all Holiday lighting. Upon roll call vote, motion carried 6-0.*

*Councilmember Gardner mentioned going forward he would appreciate getting information more in advance of a discussion considering the investment. Council should have had it at the Council workshop and is fully supportive of the lights.*

**Public Comment:** None

**Correspondence:**

- Boards/Commissions notice of accepting applications submitted by Clerk Wolters.
- 17 letters requesting Council to pass a resolution stating the proposed sand dune mine, excavation, and removal of 250,000 tons of sand within Michigan's Critical Dune Boundary at the Kalamazoo River Mouth is contrary to the Public Interest as detailed in the Tri-Community Master Plan.

**Boards, Commissions & Committees Reports:**

- Councilmember Trester- The Harbor Authority has not met this month yet.
- Councilmember Leo- None.
- Councilmember Stanton- Historic District Commission approved new siding work on the Windjammer condos on Culver Street non-contributing structure.
- Councilmember Gardner- Planning Commission will be meeting Thursday October 20. Regarding discussion at the League of Women Voters forum last Wednesday, had several discussions and questions about short term rentals and waterfront development. He would ask direction from the Council as the Planning Commission representative to begin those discussions.
- Councilmember Dean- Parks and Public Works Committee meets October 25.
- Mayor Lewis- Recycling Committee meets next week.

**Council Comments:**

- Councilmember Trester- None
- Councilmember Leo- Thanked City staff for the improved Council meeting packets, the new Planning/Zoning report is easy to read. She really appreciates the time and improvement since when she first started on Council. She appreciated seeing Oxbow weighing in on the Coastal Alliance. She is excited about Verizon and AT&T moving forward and the LED lighting for Holiday.
- Councilmember Stanton- Thanked the League of Women Voters for putting on a really great forum and all the residents that came and listened. There was great feedback from people about hearing all the topics going on with City Council.
- Councilmember Gardner- Announced the Mt. Baldhead fence is completed. Noted that he requested the League of Women Voters form be advertised on the City's webpage. He noted that Council did not vote on the decision to not put it

on the webpage, the Mayor made the decision. Discussion is important for the Council as a body.

- Councilmember Dean- Thanked the League of Women Voters and all the voters in Saugatuck for the turn out that was standing room only. He enjoyed engaging with all the candidates and voters.
- Councilmember Trester- Requested a briefing from someone who knows the status of the State's position on short-term rentals. It would be ideal if Council could have candidates at the meeting to talk or the MML.

**Mayor Comments:**

- Mayor Lewis- Noted Michigan Municipal League would probably be more than happy to speak to Council about short-term rentals. She enjoyed the League of Women Voters forum as week, it was very informative. She was delighted with the turnout, which is always wonderful to see the community's interest. Gave a big shoutout to Matt Balmer and Liz Engel for a successful Oktoberfest in Douglas.

**Adjournment:** *Motion by Dean, second by Trester to adjourn, Mayor Lewis adjourned at 7:30 p.m.*

Respectfully Submitted,

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Jamie Wolters, City Clerk

Vendor Name	Description	Amount
1. ACTION INDUSTRIAL SUPPLY CO	UNIFORMS & SAFETY EQUIPMENT	169.59
2. ALLEGAN COUNTY SHERIFF	OVAL BEACH	1,028.00
	SHERIFF CONTRACT	26,100.28
	TOTAL	27,128.28
3. ALLEGAN COUNTY TREASURER	PROPERTY TAXES	8,328.31
4. APEX SOFTWARE	ASSESSING SOFTWARE	235.00
5. CONSUMERS ENERGY	ELECTRIC	2,951.46
6. D & L TRUCK & TRAILER LLC	INTERNATIONAL TRUCK REPAIR	10,399.58
7. DUNESVIEW KWIK SHOP INC	GASOLINE & DIESEL	2,408.85
	GASOLINE & DIESEL	1,759.48
	TOTAL	4,168.33
8. FAHEY SCHULTZ BURZYCH RHODES	LEGAL FEES COUNCIL	924.00
	LEGAL FEES ZONING	2,838.50
	LEGAL FEES COUNCIL	156.00
	LEGAL FEES MANAGER	468.00
	LEGAL FEES LAWSUIT	32,800.06
	LEGAL FEES ELECTRICAL	1,156.00
	TOTAL	38,342.56
9. FLEIS & VANDENBRINK ENGINEERING INC	ENGINEERING FEES	4,853.13
10. FRONTIER	OVAL BEACH	216.30
11. GRAND RAPIDS FENCE	MT BALDHEAD FENCE	14,700.00
12. HOLLAND MEDI-CENTER	PHYSICAL MDOT	50.00
13. IHLE AUTO PARTS	PARTS	90.72
14. JOHN DEERE FINANCIAL	OIL, BATTERY & SAW BLADE	611.53
15. MCKELLIPS PLUMBING INC	BACK FLOW REPAIRS PARKS	1,615.00
16. MERCHANTS BANCARD NETWORK	BANK FEES OVAL	517.86
17. NET2PHONE INC	TELEPHONES	266.39
18. OTTAWA AREA INTERMEDIATE	SCHOOL DIS	
	PROPERTY TAXES	4,598.20
19. PRIORITY HEALTH	HEALTH INSURANCE	8,928.36
20. REPUBLIC SERVICES	TRASH	680.06
	TRASH	1,034.23
	TOTAL	1,714.29
21. SAUGATUCK PUBLIC SCHOOLS	PROPERTY TAXES	5,831.67
22. WYOMING ASPHALT PAVING CO	ASPHALT	354.29

Vendor Name	Description	Amount
TOTAL - ALL VENDORS		136,070.85
<b>FUND TOTALS:</b>		
Fund 101 - GENERAL FUND		98,616.91
Fund 202 - MAJOR STREETS		1,875.00
Fund 203 - LOCAL STREETS		822.42
Fund 661 - MOTOR POOL FUND		15,962.97
Fund 701 - CURRENT TAX FUND		18,758.18
Fund 715 - ROSE GARDEN		35.37





## **City Managers Report –Highlights**

**October 24, 2022**

### **Newish! Discussions continue with Allegan County Conservation District**

Allegan Conservation District will be conducting surveys for treating Hemlock trees for hemlock woolly adelgid (HWA) this will include all public property with Hemlock Trees

### **Parks and Public Works Meeting**

Next meeting Tuesday the 25th. Staff will review their project priorities and current initiatives.

### **Newish!- Cellular Service Discussions Continue with AT&T & Verizon Update**

#### **Verizon Update:**

- ‘On Air’ Forecast: The site is forecasted to be ‘On Air’ in October 2022

#### **AT&T Update**

- A continued thanks to Jill Dunham (Broadband Project Coordinator for Allegan County) for understanding how important this project is for safety and her assistance with aggressively pushing this project forward.
- I’ve reached out to the AT&T government liaison to begin discussions on install/service agreement.

Engineering work continues at Mt Baldhead site.

- o They have completed their radio frequency test from within the ball and all appears good according to the engineers.
- o Feasibility study has been completed and the site is viable.

### **Department of Public Works Continues Discussions with Donor on New and Improved Swing Sets at Oval Beach**

Finalizing -- Department of Public Works Supervisor, Scott Herbert and I have been working with a generous donor on a project to replace swing sets at Oval Beach, with a focus on ADA and family friendly.

### **Blue Star Highway- Michigan Natural Resource Trust Fund (MNRTF) Grant**

Initial Scoring for the Michigan Natural Resource Trust Fund Grant provided for the Township and City Application. C2AE has submitted supplemental information in hopes of increasing our collective scores.

### **Ongoing- Kalamazoo Lake Sewer and Water (KLSWA) Agreement**

City/Township Managers continue to discuss the Asset Management Plan, along with our respective attorneys and engineers.

KLSWA prefers to begin with negotiating the asset management plan for sewer to utilize as a roadmap for the water agreement. Legal counsel has been engaged and provided initial comments.

### **Ongoing- Oval Beach Staffing and Operations**

Discussions on safety improvements, operational improvements, staff retention and recruitment continue. Beach Community Summit scheduled for November 4<sup>th</sup>, emergency service representatives have been invited; police and fire have confirmed their plans to attend.

### **Ongoing- Road resurfacing (and utility) projects- on your agenda**

Engineers have concluded their road assessment and have met with City staff to review preliminary findings. Results to be reviewed with Council at the late October meeting.

### **Old news- Dune Ridge Waterfront Update**

Litigation continues... Which includes deposition of the opposing party.

### **City Hall**

Staff has prepared an RFP for architectural services for interior renovations and will request that selected Architect work with Herman Miller's design team. Staff will present plans as they begin to develop. Staff will be putting together an advisory team to assist with reviewing the project.

Exterior repair scope of work completed (attached), and staff will review with the Historic District Commission for feedback. This has been pushed back to a spring project given the necessary bidding process and seasonal limitations for painting.



### **Treasurer Report**

Below is a summary of notable activities carried out by the Treasurer's Office since the last council meeting on 10/10/2022:

- Paid routine bills
- Completed and disseminated bi-weekly payroll
- Preparing for annual audit



## **Planning, Zoning and Project Report**

October 24, 2022

### **Planning and Zoning**

- Contacted MML for short term rental presentation on HB 4722. Aiming for a presentation to Council on November 9.
- Watched the March 18 Planning Commission Meeting to hear master plan presentation from the planning consultant and 2022/2023 goals discussion.
- Attended ZBA meeting.
- Attended Planning Commission meeting. Due to an unexpected event, there was not a quorum. A special meeting was set for October 26.
- Attended Kalamazoo Lake Water Sewer Authority meeting.
- Reviewed draft Northshore Development resolution/letter.
- Reviewed BS&A complaint/enforcement tracking functionality.
- Reviewed outdoor seating history and changes.
- Completed planning and zoning casework as outlined in the chart below.

### **Projects**

- Attended pre-construction meeting and on-site review for the Water St Sidewalk Project. Tentative start date is week of October 24.
- Attended Christmas Parade planning meeting.
- Continued working with the County Administrator and Sheriff's Office to finalize agreement related to patrol vehicles.
- Began reviewing proposed amended and restated sewer system operations contract.
- Reviewed Michigan Sparks grant information forwarded by the City Engineer.
- Attended a meeting with Redwater Group, City Attorney, and City Manager to discuss current agreements.

## Planning and Zoning Casework

640/650 Water Street	ZBA Use and Dimensional Variance	Revised plans received. Variance requests for height, waterfront setback and first floor dwelling. Public notice published. Scheduled for November ZBA meeting.
350 Mason Street	Bed and Breakfast and Auxillary Structure	Worked with consultant and legal on concerns with submitted application and materials. Applicant was advised of various options. Working with legal on answering additional applicant questions.
584 Lake Street	New Motor Court Unit/HDC Review	Applicant returning to future HDC meeting with material cut-sheets. Reviewed project with planning consultant and legal. Applicant was advised special land use and site plan review will be needed as well. Met with applicant to answer questions. Still awaiting applications.
700 Maple Street	Lot Split Request	Reviewed with planning consultant. Initial request was denied. Meeting held with applicant at their request. New application was received and under review.
102 Butler	City Hall Exterior Work	Will be on the November HDC meeting agenda for review. Also forwarding to historical society for feedback.
221 Water St	ZBA Dimensional Variance Request/HDC Review	ZBA approved variances for a deck extension, shed and hot tub. Historic District Commission review scheduled for November. Applicant will need to submit zoning permit application as well.
841 Holland St	Historic District Review	Additional wall was built that wasn't part of original HDC approval. Historic District Commission review scheduled for November.
383 Dunegrass Circle	New Home	Located in the PUD residential overlay. Scheduled for site plan review by Planning Commission in November.
439 Butler	Short Term Rental Applications	New owner of a previously existing STR. Apps for three units. Awaiting fire department inspections.
860 Simonson	Short Term Rental Application	Application for new STR. Sent to fire department for inspection.

## Planning and Zoning Casework Continued

831 Holland St	Parcel Combination	Received application to combine a recently purchased parcel. Discussed process with assessing. Under review for zoning compliance.
Jones Park Historic Marker	Historic District Review	Council approved on 10/10 subject to HDC approval. Will be reviewed at November HDC meeting.
525 Butler St	ZBA Dimensional Variance Request	Variance request for side yard setback and lot coverage for addition of a new bedroom, new covered porch, and living room extension. Public notice published. Scheduled for November ZBA meeting. Will also need HDC review.
302 Culver	Enforcement	Complaint of sidewalk seating items remaining after business closed for season. Contacted owner.
404 Griffith	Short Term Rental Application	Existing STR submitted a renewal application. Sent to Fire Department for inspection.
347 Park	Short Term Rental Application	Existing STR submitted a renewal application. Sent to Fire Department for inspection.
1026 Holland	Short Term Rental Application	Existing STR submitted a renewal application. Sent to Fire Department for inspection.
Unknown	Inquiry	Questions about new water and sewer connection permitting processes. Provided application and fees.
1021 Allegan	Drainage Concerns	DPW and Engineering met building contractors and advised issue addressed to their satisfaction.
TBD	Inquiry	Received call about short-term rental ordinance. Provided application and ordinance information.
117 Perryman St	Inquiry	Questions about zoning for an addition. Provided zoning information.
1039 N Maple	Inquiry	Requested information on roof replacement permits. No structural work. Provided MTS contact information.

## Planning and Zoning Casework Continued

Unknown	Inquiry	Question about setbacks for hot tubs in the CR district. Provided zoning ordinance information.
237 Butler	Enforcement	Complaint of vehicles parking in alley or blocking alley so they are unable to leave. Requested no parking signage. DPW to install sign.
132 Mason	Enforcement	Expanded Outdoor Dining Area License Expired. Structures/Objects still in place. Contacted owner. Now removed.
449 Water St	Inquiry	Questions/concerns about sidewalk seating approval and conditions. Information provided.
665 Spear	Home Relocation and Additions	Planning consultant and legal reviewed. Phase 1 approved. Met with applicant. Applicant advised more detail needed on phase 2 before it can be reviewed/approved.
145 Grant	Inquiry	Questions about temporary zoning permits for construction storage. Provided zoning ordinance requirements.
Mason St	Inquiry	Questions about Mason St. street end. Forwarded to City Manager who discussed with caller.
807 Lake	Inquiry	Attorney for condominium has questions about confirming planning commission approvals for amended master deed. Forwarded to legal to assist.



## Department of Public Works

Below is a summary of notable activities carried out by the Department of Public Works since the last council meeting on 10/10/2022:

**Annual Winterization** – Rose Garden, Pallet Sign, Wick’s Park, Playground, Village Square SW, Willow Park, Coghlin Park, Jones Park, Peterson Park, Mt. Baldhead Park, and Oval Beach

**Brush and Leaf Collection** – Citywide

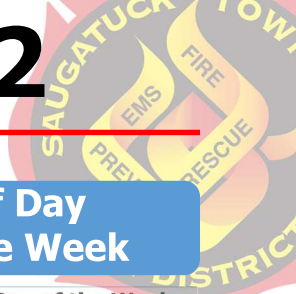
**Sidewalk Replacements** – Replaced 178 squares of sidewalk along Butler Street and Water Street.

**DOT Inspections** – Annual inspections were conducted for two of our International Work Star dump trucks.

**Fall Cleanup** – Heavy fall cleanup in our parks and streets. Additional work was created by strong wind events and storms which resulted in a large sugar maple tree being uprooted along State Street.



# Incidents end of September 2022



## Incidents by Month



September recorded 94 calls total compared to 93 in 2021. A new high for the month of September. Total year to date is 745 calls a 2.1% increase compared to same time last year.

## Response times



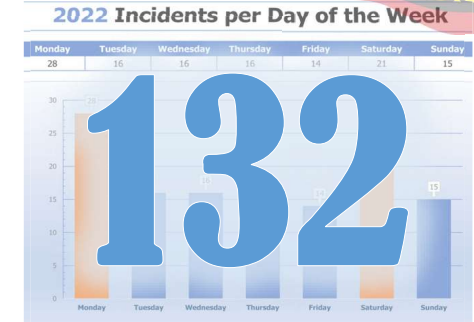
Our September response time was a very close match to August. Average response time for the month of September was 6:25. For the year the average is down to 6:02.

## Emergent Calls



September showed 57 emergent calls (lights and siren) down from 63 in September 2021. A difference of 9.5%. Total for this year is 415 emergent calls compared to 439 in 2021.

## Time of Day Day of the Week



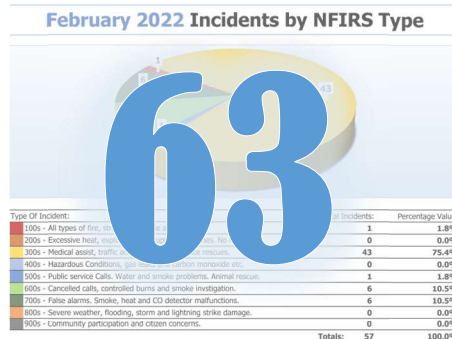
Monday and Saturday are the busy days compared to the rest of the week within the 122-132 range. The hours from 7AM-9PM count for the busy time of the day.

## Overlapping Calls



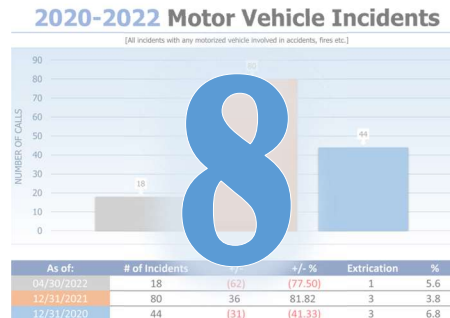
23 overlapping calls shows a slight decrease compared to 27 in September 2021. 24.5% of our calls in September were overlapping. For the year to date, 31.5% of our calls are overlapping.

## Type of Calls



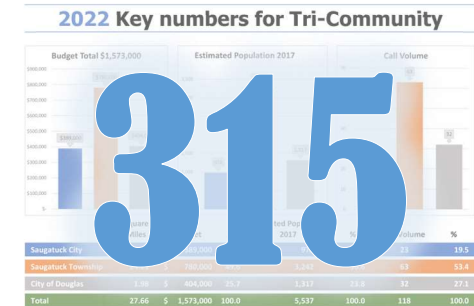
September recorded 63 calls in EMS which counts for 67% of our volume for September. The most common EMS call type is still falls, 137 such incidents this year, or 27% of the reported 502 total EMS calls. 10 more than all of 2021!

## MVI



8 MVIs (motor vehicle incidents, i.e., crashes, fires etc.) 45 incidents YTD. Intersection of Blue Star and Old Allegan Road have not seen an incident for more than a year. Flashing stop sign installed early spring prevented such incidents.

## Location



Location of calls shows Township (including I-196) accounts for 315 calls or 44% compared to Douglas at 202 or 28% and Saugatuck City at 196 or 28%.

**City of Saugatuck  
Status Report of Engineering Activities  
October 19, 2022**

General Consultation

- Water Street Sidewalk: Held a preconstruction meeting with the contractor on October 11. Construction is tentatively planned to begin the week of October 24 and be complete in early December with cleanup and restoration activities in spring 2023.
- Water System Asset Management Plan: **The Intent to Apply deadline for EGLE’s Drinking Water Revolving Fund is November 1. We are planning to submit a project that is coordinated with upcoming road improvement projects.**
- Olde Mill Apartments Water Service: Quotes have been received. We are working with City staff and the property owner on cost sharing matters. Once those are resolved, we will make a recommendation to council for proceeding with the work.
- City Hall Renovations: Assisting City staff with preparing an RFP for exterior building improvements.
- Sparks Grant: The application period opens October 24 and we will be attending an informational webinar on October 28. As more details emerge, we will be working with staff to identify priority project(s) and likely prepare an application.
- EGLE High Water Grant Program: We are working with staff to identify and prioritize projects that may fit this project. The application deadline is November 30.

Campbell Road Improvements

- There are just a handful of punch list items remaining. Once they are complete, the final pay application and other paperwork will be processed to close out the construction contract.

Maple Street Improvements

- Met with the affected property owner to review the options in the draft drainage study.
- We will finalize the study once feedback is received for council consideration.

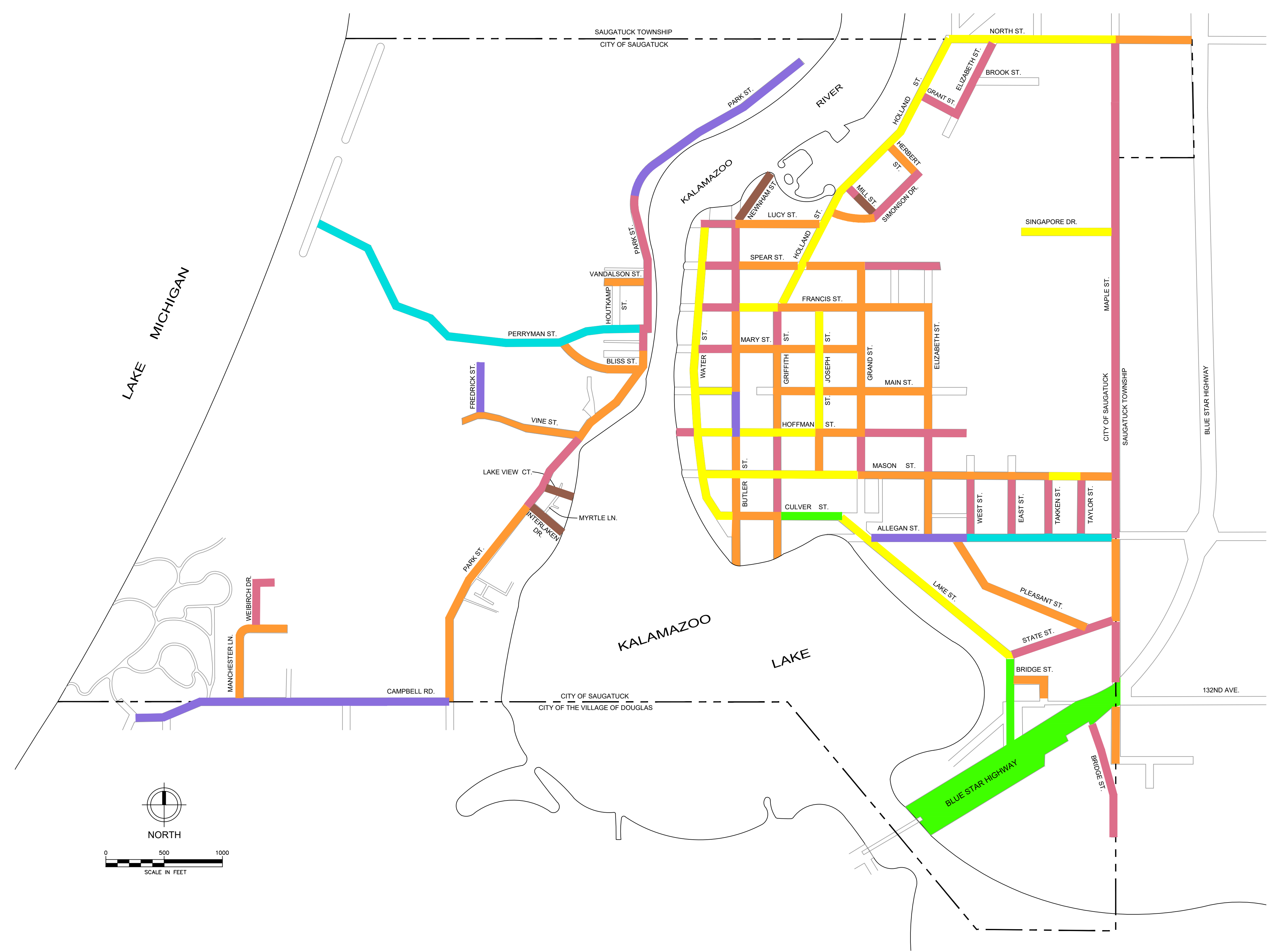
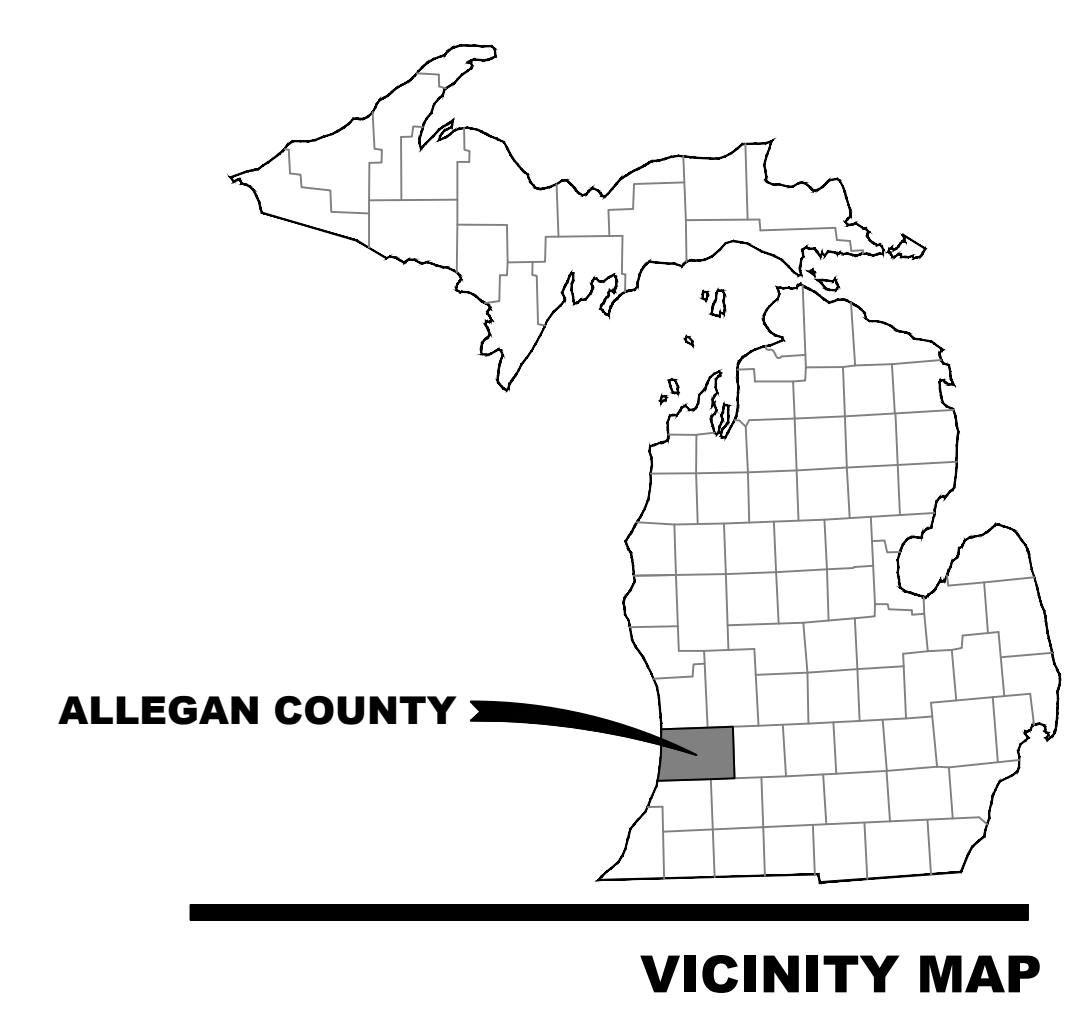
Capital Improvements Planning

- A draft CIP has been developed with input from City staff.
- With input and direction from council, we are ready to begin planning and design activities for 2023 projects.

Blue Star Highway Bridge Navigation Lighting

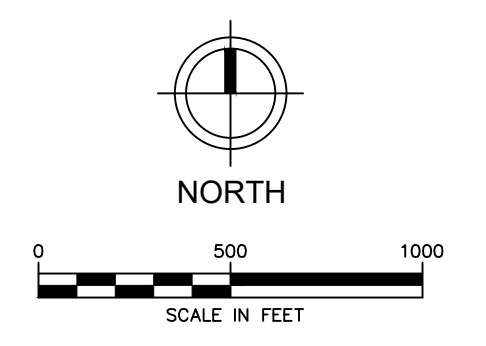
- We recently received authorization from both Cities and Saugatuck Township and are working with the Coast Guard to finalize lighting layout. We will also be reaching out to the light manufacturer regarding recommended mounting and other details.
- Once the details have been finalized, we will assist the communities with soliciting quotes for light installation.

# CITY OF SAUGATUCK ALLEGAN COUNTY, MICHIGAN 2022 ROAD CONDITIONS MAP



**LEGEND**

	EXCELLENT (PASER 9-10)
	VERY GOOD (PASER 8)
	GOOD (PASER 7)
	FAIR-GOOD (PASER 5-6)
	POOR-FAIR (PASER 3-4)
	FAILED (PASER 1-2)
	GRAVEL (NO RATING)





## City Council Agenda Item Report

**FROM:** Ryan Heise  
**MEETING DATE:** October 19, 2022  
**SUBJECT:** Draft Letter to Army Corp re: Northshore Development

**DESCRIPTION:**

Council directed staff to work with legal counsel to draft a letter to the Army Corps of Engineers regarding the Northshore Development project located in Saugatuck Township. A meeting was conducted with the Coastal Alliance to review facts of the pending permit. The draft letter has been provided to members of the Coastal Alliance for additional input. This item will be placed back on the Monday (24<sup>th</sup>) Council agenda for final approval. Staff is seeking input from Saugatuck City Council as well.

**BUDGET ACTION REQUIRED:**

N/A

**COMMITTEE/COMMISSION REVIEW:**

N/A

**LEGAL REVIEW:**

Yes

**SAMPLE MOTION:**

N/A

**CITY OF SAUGATUCK  
COUNTY OF ALLEGAN  
STATE OF MICHIGAN**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION PROVIDING CITY COUNCIL’S PUBLIC COMMENT  
TO THE UNITED STATES ARMY CORPS OF ENGINEERS ON NORTHSHORE OF  
SAUGATUCK, LLC’S PERMIT TO BUILD A MARINA BASIN**

Council Member \_\_\_\_\_ offered the following resolution and moved for its adoption, seconded by Council Member \_\_\_\_\_.

WHEREAS, NorthShore of Saugatuck, LLC has applied for a United States Army Corps of Engineers (the “USACE”) permit (with USACE review file no. LRE-2010-00304-52-517-2) under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act to build a marina basin located in the Kalamazoo River, near the mouth of the Kalamazoo in Saugatuck Township (the “Township”), Michigan.

WHEREAS, the site is located upland at 3574 Dugout Road and 6500 135<sup>th</sup> Avenue, Allegan County, Michigan 49453.

WHEREAS, the City’s jurisdictional boundaries, including its jurisdiction and control over the Kalamazoo River that exists within the City’s boundaries, is near to the proposed marina basin.

WHEREAS, the City further owns extensive acreage held as public lands with substantial frontage on the Kalamazoo River that is directly south of the proposed marina basin.

WHEREAS, the City has interests, as reflected below, that are impacted by developments in the area, including the City’s interests as a fiduciary in holding public lands in trust for its community and representing the general interests of the public within the City.

WHEREAS, the USACE is required to take into account the effects of proposed undertakings on historic properties both within and beyond waters of the United States.

WHEREAS, the USACE provided further Public Notice to the City on July 2, 2018, specifically regarding Section 106 to seek input on historic properties issues regarding the subject application pursuant to Section 106 of the National Historic Preservation Act and pursuant to 33 CFR 325, Appendix C.

WHEREAS, in response to the Public Notice and the understanding that the USACE will still consider public comment as part of the open application, City Council desires to provide public comment on the pending application and stress the importance of

the USACE to carefully review and weigh the public interest factors as well as historic preservation of the historic and cultural history at and around the proposed location as set forth below.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. In its evaluation of permit applications, the USACE will conduct a public interest review in which “due consideration shall be given to” a “local agency having jurisdiction or interest over the particular activity” and the USACE will consider “those official views as a reflection of local factors of the public interest.”<sup>1</sup>
2. It is true that “[w]hen private enterprise makes application for a permit, it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place. *However, the district engineer in appropriate cases, may make an independent review of the need for the project from the perspective of the overall public interest*” (emphasis added).<sup>2</sup>
3. In every application, the USACE will consider “[t]he extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work is likely to have on the public and private uses to which the area is suited.”<sup>3</sup>
4. With regard to “other Federal, state, or local requirements,” “where the required Federal, state and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application, the district engineer will, after considering the likelihood of subsequent approval of the other authorization and/or certification and the time and effort remaining to complete processing the Army permit application, either immediately deny the Army permit without prejudice or continue processing the application to a conclusion. If the district engineer continues processing the application, he will conclude by either denying the permit as contrary to the public interest, or denying it without prejudice indicating that except for the other Federal state or local denial the Army permit could, under appropriate conditions, be issued.”<sup>4</sup>
5. The City, as a “local agency having jurisdiction or interest over the particular activity,” finds that the proposed excavation to build a marina basin within the Critical Dune Area adjacent to the Kalamazoo River appears “contrary to the public interest.”

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<sup>1</sup> 33 CFR § 320.4.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

6. The City finds that the cumulative, permanent detrimental impacts of the excavation and construction of the proposed marina basin on the Tri-Community tourist-based economy (City of Saugatuck, City of the Village of Douglas, and Saugatuck Township) far outweigh any possible economic benefit. The City therefore questions that the marina basin is clearly “needed in the market place.”
7. The City finds that the Tri-Community tourist-based economy relies on the preservation of the historical, ecological, and cultural values in the river mouth area, which appear will be impacted by the proposed marina basin.
8. The City finds that the proposed marina basin has the potential of impacting well-established “public and private uses to which the area is suited,” including public lands held by governmental agencies to the north and south of the proposed marina basin.
9. With regard to “other Federal, state, or local requirements,” the City only notes that litigation continues between the Saugatuck Dunes Coastal Alliance and Saugatuck Township regarding local approvals related to the marina basin.
10. The City particularly notes the following facts:
  - a. The construction of the canal will decrease Michigan’s Critical Dune Area by 6.5 acres.<sup>5</sup>
  - b. The construction of the canal will destroy the historic site of Singapore, a 19<sup>th</sup> century lumber town buried under the dunes and eligible for the National Register of Historic Places.<sup>6</sup>
  - c. The construction of the canal may damage the Potawatomi traditional cultural resources, disturbing Lake Sturgeon, wild rice growth traditionally gathered and connected to the area, and traditional burial grounds at the mouth of the Kalamazoo River.<sup>7</sup>

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<sup>5</sup> US Army Corps of Engineers, Public Notice: Proposed Marina in the Kalamazoo River and Beach Nourishment in Lake Michigan at Saugatuck, Michigan 1 (2017) (“[a] total of 241,750 cubic yards of sand would be excavated from a 6.54-acre upland area approximately 1,639 feet long and up to 200 feet wide, temporarily leaving a soil plug at the marina basin entrance”).

<sup>6</sup> US Army Corps of Engineers, Public Notice: Historic Properties Review for Proposed Marina Basin in the Kalamazoo River in Saugatuck Township, Michigan 4 (2018) (finding “the undertaking would have no adverse effect on Areas A, B, and D, but the undertaking would have an adverse effect on Area C, as defined in 36 CFR 800.5(a)(1)”). Area C has been identified as part of the buried 19<sup>th</sup> Century lumber town of Singapore.

<sup>7</sup> Mario Battaglia & Rebecca A. Hawkins, Ethnographic Traditional Cultural Property Study of the Mouth of the Kalamazoo River, Allegan County, Michigan 13-18, 23 (2019).

- d. The disposal of spoils from the construction of the canal will contribute to deforestation of a significant tree canopy of wooded sand dunes along the Kalamazoo River.<sup>8</sup>
- e. The construction of the canal will contribute to devaluation of the tri-communities' more than \$20 million in investments in the adjacent Saugatuck Harbor Natural Area, Tallmadge Woods Nature Preserve, and the Patty Birkholtz Natural Area.<sup>9</sup>

HISTORY OF THE TRI-COMMUNITIES' VALUES AND TOURIST ECONOMY: THE CANAL IS "CONTRARY TO THE PUBLIC INTEREST" AND NOT "NEEDED IN THE MARKET PLACE"

- 11. The Tri-Communities have a 137-year history of deliberately building a tourist-based economy centered on the *preservation* and *conservation* of public open space in the river mouth area.
- 12. In 1884, the Village of Saugatuck—the former governmental entity prior to incorporation of the Village into the now City of Saugatuck—purchased Mount Baldhead and the lake frontage to the west. The lake frontage would eventually become Oval Beach. Stairs up the east side of the dune and a pavilion at the bottom were built to attract tourists to the area.
- 13. In 1920, Thomas Eddy Tallmadge purchased 105 acres of forested dunes surrounding the Ox-Bow School of Art. To protect the school and land, Tallmadge made arrangements with the City to preserve the land as green space in times the school did not operate.
- 14. In 1936, the City opened Oval Beach.
- 15. In 1957, the National Park Service conducted a survey of potential park sites along Lake Michigan. The Park Service wrote in its study: “[b]y virtue of its fine beaches (Oval Beach) and scenic hinterlands, Saugatuck has a high public use value. . . . *Immediate steps should be taken to safeguard these values in order to meet the recreation demands of this region*” (emphasis added).

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<sup>8</sup> City of Saugatuck, et al., Tri-Community Master Plan 4-23 (2016) (“Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence”). Recent drone images reveal that the “laydown area” proposed by NorthShore of Saugatuck in both the USACE and EGLE permit applications has been clearcut and excavated.

<sup>9</sup> See Letter from Lana Pollack, Chair of Michigan Natural Resources Trust Fund Board, to National Trust for Historic Preservation (Jan. 15, 2010) (on file with the City of Saugatuck).



16. Between 1977 and 1988, local citizens worked to establish Saugatuck Dunes State Park and Natural Area.
17. In 1977, the Natural Areas Conservancy of West Michigan (“NACOWMI”) acquired a 300-acre parcel, known as the Luther-Uhl property, which was adjacent to what would become the Saugatuck Dunes State Park.
18. Around this time, the State acquired 550 acres from the Augustinian Seminary. It kept 40 acres of this land for the operation of a prison and gave the remainder of the land to the Department of Natural Resources (“DNR”).
19. Following its acquisition of the land, it advocated for the Luther-Uhl land to be protected as a natural area for scientific study.
20. Following this, the DNR announced its state park plan which called for a 1,500-car parking lot on the beach and an off-road vehicle area. ***The local response was immediate and unanimously negative.***
21. The DNR withdrew its state park plan and allowed for the formation of a citizen’s advisory committee to draft a master plan for Saugatuck Dunes State Park. ***This was the first time a citizen’s advisory committee was entrusted to create a State Park Master Plan.***
22. Patty Birkholz, a Parks Commissioner from the Township, was appointed Chair of the committee.
23. The committee’s Master Plan called for a ***low-impact nature study*** and prohibited overnight camping—a rare prohibition in the state park system.
24. The Master Plan included detailed expansion plans for acquiring, among other lands, those around the proposed marina basin, including the NorthShore of Saugatuck property. These plans called for an expanded natural area and designated historic site where the buried ghost town of Singapore lies.
25. The Master Plan required the Luther-Uhl property to be legally designated as a Natural Area.
26. The citizens charged with drafting the Master Plan worked with the conservancy community, the DNR, and the State for six years to ensure the protection of the land. In 1982, the Master Plan was unanimously approved by the Natural Resources Commission.
27. In January 2004, *the DNR received over 100 individual letters supporting a proposed expansion of the Saugatuck Dunes State Park to include the Denison property, which then became the Singapore Dunes LLC property and most recently became the NorthShore of Saugatuck property.*

28. Between the years 2003 and 2005, the communities of the City of Saugatuck, the City of the Village of Douglas, and Saugatuck Township came together for a series of meetings to discuss and debate land use issues and future development. This meeting led to the publication of the 2005 Tri-Community Master Plan (the “2005 Master Plan”), which focused on protecting the historical, ecological, and cultural values that drive the tourist-based economy.
29. During this period of time, there were two townhall-style meetings, as well as the collection of data from a community survey. Almost every other resident in the community responded.
30. The 2005 Master Plan was unanimously approved by the City of Saugatuck, the City of the Village of Douglas, Saugatuck Township, and Allegan County.
31. To put the 2005 Master Plan into place, the municipalities took several actions towards protecting the natural areas.
32. In 2007, the Tri-Communities placed a conservative easement onto Tallmadge Woods Nature Preserve.
33. In 2009, the Tri-Communities assisted in the \$20 million public acquisition of the Saugatuck Harbor Natural Area. A grant of \$10.5 million from the Michigan Natural Resources Trust Fund was the largest public grant ever extended by this state fund.
34. In 2010, the City voters passed a millage to tax themselves for better support of the natural resources’ local zoning protections.
35. In 2010, local organizations applied to have the Wild Heart of Saugatuck, an area including the river mouth, added to the National Trust for Historic Preservation’s annual list of America’s 11 Most Endangered Places.
36. Lana Pollack, former Chair of the Michigan Natural Resources Trust Fund Board, submitted the following letter to the National Trust for Historic Preservation in support of the designation, primarily in hopes of protecting the state’s investment:

My own valuation of this area is best demonstrated by the recent MNRTF decision to grant \$10.5 million to protect a portion of the land now representing a significant part of this application. The grant approved in December 2009 is one of the largest MNRTF has ever made and is a particularly impressive commitment given the intense competition from other worthy applicants that year. Support for the grant did not come easily, but not because of a questioned worth of the project – 171 acres of critical dunes with globally imperiled inter-dunal wetlands, habitat that is home to several threatened and endangered species. The project’s value was undoubtedly enhanced by its immediate proximity to Saugatuck’s Oval Beach, the Saugatuck Lighthouse Cottage and the Ox-Bow School of Art.

Although MNRTF is focused on saving natural landscapes, we also recognized in this case the historic and cultural context of the particular 171 acres that our grant was supporting.

The designation that we now seek from the National Trust for Historic Preservation is needed because of the threat of development on the parcel immediately north of the Saugatuck Harbor Natural Area. The current proposal calls for a major marina development with a suggested nine story hotel, restaurants, retail businesses as well as a 70 slip marina near the site of the buried ghost town of Singapore – all prohibited by current zoning. *If completed, the proposed development’s impact on MNRTF’s investment of \$10.5 million still leaves me concerned that our public investment may become mostly the enhanced viewscape for a commercial development.*

*Fortunately, the history of preservation of the Saugatuck Dunes is strong. In the 1940’s the State of Michigan looked at constructing a State Park at the mouth of the Kalamazoo River. In the 1950’s the National Park Service surveyed the Saugatuck Dunes for its potential as a National Lakeshore. In the 1980’s area citizens worked together to draft the Master Plan for the Saugatuck Dunes State Park and Natural Area. This followed the initial plan from the state DNR that called for paved roads and a parking plot on the beach, which was met with near unanimous resistance. Since that time several additional key parcels have been placed into conservation easements or turned into parks; historic buildings have been acquired by the local Historical Society; and progressive planning has established a Lakeshore Open Space District designed to better protect the historic and ecological treasures along the river and lakeshore.*

*It was with this in mind – the long and determinedly fought history of protecting the Saugatuck Dunes – that I felt comfortable urging MNRTF to award the \$10.5 million grant. The tenacious commitment of the local community to protect the Saugatuck Dunes’ many historic, cultural and ecological resources ultimately held more sway than the threat of a developer’s legal war chest to overturn protective zoning controls [emphasis added].*

37. In 2016, the updated Tri-Community Master Plan (the “2016 Master Plan”) was released. The priority among the Tri-Communities remains: “Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.”<sup>10</sup>
38. Today, the City owns nearly 16,000 feet of water frontage in the River Mouth Area immediately adjacent to the proposed canal. A portion of this is the Saugatuck Harbor Natural Area, a 177-acre designated natural area/sanctuary held under the supervision

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<sup>10</sup> City of Saugatuck, et al., Tri-Community Master Plan 9-6 (2016).

of the City. The Saugatuck Harbor Natural Area has 570 feet of water frontage on the Kalamazoo River and nearly 6,200 feet of water frontage on the Old Harbor. All of this water frontage is in its natural state and does not have seawalls or riprap. The City also manages the Tallmadge Woods Nature Preserve, a 100-acre preserve with 6,200 feet of Kalamazoo River frontage and 2,900 feet of Old Harbor water frontage.

39. The Saugatuck Harbor Natural Area and the Tallmadge Woods Nature Preserve connect with Saugatuck’s Oval Beach and Mount Baldhead Park, together comprising 415 acres of park land and natural areas. These areas are all managed as low-impact natural areas to ensure the protection of the ecological, historical, and cultural values that drive Saugatuck’s tourism-based economy. These areas are indispensable to the economic well-being of the City of Saugatuck, the City of the Village of Douglas, and Saugatuck Township (the “Tri-Communities”).
40. The NorthShore of Saugatuck development and management may directly affect these natural areas and sanctuaries that the City manages for the benefit of the community.
41. Because of its effect on the low-impact natural areas and City-owned property, the NorthShore of Saugatuck development may have significant impacts on the Tri-Communities’ tourist-based economy.
42. Among the goals listed in the 2016 Master Plan is the goal to “[p]rotect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.”<sup>11</sup>
43. The 2016 Master Plan also outlines the goal to “[g]uide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.”<sup>12</sup>
44. The 2016 Master Plan states that “[t]hese joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.”<sup>13</sup>

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<sup>11</sup> City of Saugatuck, et al., Tri-Community Master Plan 1-12 (2016).

<sup>12</sup> *Id.* at 1-4.

<sup>13</sup> *Id.* at 1-2.

45. The goals and policies in the 2016 Master Plan “are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision.”<sup>14</sup>
46. The goals and policies outlined in the 2016 Master Plan and those outlined by the City here represent a “local agency having jurisdiction or interest over the particular activity” and should be considered “as a reflection of the local factors of the public interest.”<sup>15</sup>
47. The 2016 Master Plan articulates the economic public interest in preserving the river mouth area of the Kalamazoo River for “low-impact development” or public open space.<sup>16</sup>
48. The City considers the 2016 Master Plan to be “a reflection of local factors of the public interest.” The 2016 Master Plan states “[t]hese joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.”<sup>17</sup>
49. Specifically, the City considers the following 36 excerpts from the 2016 Plan to be “a reflection of local factors of the public interest”:
  - a. “Goal: Guide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.”<sup>18</sup>
  - b. “Policy: Insure compatible land use planning and zoning across municipal borders and minimize land use conflicts by separating incompatible uses and requiring buffers where necessary.”<sup>19</sup>
  - c. “Policy: Support efforts to foster tourism by preserving the scenic beauty of the environment, expanding recreational opportunities, improving tourist attractions, preserving the historic character of the communities through the preservation of historic structures, expanding cultural and arts opportunities and encouraging development of promotional material which highlight the attractions of the Tri-Communities.”<sup>20</sup>

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<sup>14</sup> *Id.*

<sup>15</sup> 33 CFR § 320.4(j)(1).

<sup>16</sup> See, generally, City of Saugatuck, et al., Tri-Community Master Plan (2016).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 1-4.

<sup>19</sup> *Id.* at 1-5.

<sup>20</sup> *Id.* at 1-6.

- d. “Goal: Encourage planning efforts based on the understanding, knowledge and respect for the Tri-Community’s historical and cultural resources.”<sup>21</sup>
- e. “Policy: Discourage the development of high intensity residential uses along the waterfront.”<sup>22</sup>
- f. “Goal: Protect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.”<sup>23</sup>
- g. “Policy: Identify development limitations on special environments which classify environments based on their value to the ecosystem, unique attributes, the presence of endangered plant and wildlife species, and other characteristics deemed significant.”<sup>24</sup>
- h. “Policy: Encourage acquisition of special environments of significant public value by public agencies or nonprofit conservancy organizations for the purpose of preservation.”<sup>25</sup>
- i. “Policy: Prepare and maintain a subarea plan for the Oxbow Peninsula including the [NorthShore of Saugatuck Property] ‘Denison Property.’”<sup>26</sup>
- j. “Policy: Promote the preservation of open spaces and natural areas, as well as limited, carefully planned development along the Kalamazoo River, Kalamazoo Lake, Silver Lake, Goshorn Lake, and Lake Michigan and connecting streams, creeks, and drainage ways to protect and enhance the scenic beauty of these waterfront areas.”<sup>27</sup>
- k. “In 2002 the City of Saugatuck completed a strategic plan for purposes of future growth and development and efforts involved an examination of local tourism and public opinion. The following data was secured from the plan’s survey of visitors to the area, and provides useful information considered applicable to each of the Tri-Communities when considering economic and recreational impacts on the area. . . Activities – beach (40%), dune rides (12%), and boating (11%) Spending Patterns - \$500 to \$599 (median range), 15% spend +\$1,000. . .”<sup>28</sup>

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<sup>21</sup> *Id.* at 1-10.

<sup>22</sup> *Id.* at 1-12.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 1-13.

<sup>28</sup> *Id.* at 2-8.

- l. “The primary reasons people visit or live in the three communities are to enjoy the scenery and recreational opportunities and to live in a picturesque, safe place while they commute to nearby (or distant) urban centers. Beach recreation, boating and other water activities, shopping, art galleries and enjoying the scenery are the primary attractions for both tourists and year-around residents. While agriculture, industry and tourism are important economic sectors represented in the Tri-Communities, *tourism is king*” (emphasis added).<sup>29</sup>
- m. “Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. *In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence*” (emphasis added).<sup>30</sup>
- n. “A large portion of the lakeshore both north and south of the mouth of the Kalamazoo River is undeveloped or very sparsely developed. ***A portion of this segment of the shoreline is in public ownership as Oval Beach Park. In 2011, the City of Saugatuck completed its acquisition of the 173 acres of natural dunes and 3,650 feet of undeveloped Lake Michigan Shoreline, formerly owned by the Denison family, between the south Kalamazoo River pier and Oval Beach City Park. This was made possibly through a partnership between the City; the Land Conservancy of West Michigan; a 10.5 million grant from the Michigan Natural Resources Trust Fund; The Nature Conservancy; The Conservation Fund; and generous private donors.*** The Saugatuck Harbor Natural Area, as it is now called, is open year round for low impact uses such as hiking, fishing, bird watching and beach combing.”<sup>31</sup>
- o. “The Tri-Community area is rich in cultural, and historical points of interest and many archaeological sites can be found throughout the area. Leading economists and forward-thinking governmental leaders have recognized the social and economic value of promoting and preserving cultural and historic assets. The state of Michigan has made community cultural; planning a key part of its most publicized and marketed economic development strategies: the ‘smart growth’; ‘heritage/cultural tourism’; and ‘cool cities’ initiatives.”<sup>32</sup>
- p. “Archaeological sites are of particular scientific value to the fields of anthropology, ecology and biology, and may have historic or ethnic significance as well. There are 120 archaeological sites scattered throughout the Tri-Community area, mostly related to Ottawa and Potawatomi cultures. Their exact locations have not been disclosed by the Bureau of history to protect them

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<sup>29</sup> *Id.* at 3-1.

<sup>30</sup> *Id.* at 4-23.

<sup>31</sup> *Id.* at 5-7.

<sup>32</sup> *Id.* at 5-9.

from exploitation. One of these sites, the Hacklander Site, located in Section 23 is listed on the National Register of Historic Places and has components representing Middle and Late Woodland periods. *A second important site is the old Singapore site located at the north edge of the 'new' (1906) harbor channel. Recipients of Federal assistance must ensure that their projects avoid damage or destruction of significant historical and archaeological resources.* The Michigan Bureau of History reviews these projects to assess their impact on archaeological sites” (emphasis added).<sup>33</sup>

- q. “Parks, recreation, and open space are essential to the quality of life of area residents, and are an important component of the local tourist economy. They enhance property values, as well as physical and psychological well-being.”<sup>34</sup>
- r. “According to the 2004 community opinion survey, following was the response to the question of whether the respondent would support the additional recreation-related activities even if it meant an increase in general property taxes. . . . The greatest support among recreation-related topics was for better water quality with 62.5%, bike lanes/pathways with 60.5% support and *parks and recreation at 50.9%. When citizens express a willingness to pay higher taxes for a service that is very significant*” (emphasis added).<sup>35</sup>
- s. “Recreation is important to the Tri-Communities and the visual experience of the community is tied to the recreational experience. Residents like to live in the Tri-Communities, in part, because it is a uniquely attractive location. *Tourists visit and spend money in the Tri-Communities based in part on the visual experience. Natural features and open spaces are important components of the Tri-Communities*, contrasting with the concentrated, developed areas of the City of Saugatuck and the City of the Village of Douglas. The compact, strong identities of the City and Village are enhanced when natural, open spaces surround the two communities. Water is one of the natural features surrounding the City and Village and helping to give them form and identity. Wetlands, woodlands, farms and parks are other existing natural features that currently contribute to natural open space.”<sup>36</sup>
- t. “Tourists have always been attracted to the area, but tourism is now the number one economic activity. . . . Consequently, how the waterfront is used will be of crucial importance to the future of the Tri-Community area.”<sup>37</sup>
- u. “*Although waterfront lands have high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River **waterfronts is their***

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<sup>33</sup> *Id.* at 5-11.

<sup>34</sup> *Id.* at 7-1.

<sup>35</sup> *Id.* at 7-18.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 8-1.



*scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the ‘goose that laid the golden egg’ will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland’* (emphasis added).<sup>38</sup>

- v. “This plan seeks to define a balance between competing uses. It places protection of the natural environment at first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.”<sup>39</sup>
- w. “Under the state Wilderness, Wild, and Natural Areas Program (Part 351 of the Natural Resources and Environmental Protection Act of 1994), the DNR is charged with identifying, dedicating and administering wilderness, wild and natural areas. Within the Saugatuck region, the DNR has dedicated the Saugatuck Dunes Natural Area to protect the unique dune ecosystem of open dunes, blowouts, interdunal wetlands and wooded dunes, Pitcher’s Thistle occurs within the area and is listed as a threatened species by both the state and federal government. The Saugatuck Dunes Natural Area is within Saugatuck Dunes State Park. Sensitive dune ecosystems also occur in the dune areas on either side of the Kalamazoo River mouth at Lake Michigan. This area is planned for protection but details have yet to be finalized. Management would likely be the responsibility of the City of Saugatuck, Saugatuck Township and the State Park. The entire Kalamazoo River, including the Saugatuck/Douglas area is designated as an area of particular concern by the DNR. Areas of particular concern are those having scarce resources, unusual scenic beauty, unusual economic value, recreational attractions, or some combination of the above. They are only located in coastal areas. Altering the environment in an area of ‘particular concern’ could have a significant impact on the quality of coastal and Great Lakes waters.”<sup>40</sup>
- x. “As has been emphasized throughout this Plan, *the natural beauty of the waterfront has much to do with the attraction of the Tri-Community area*” (emphasis added).<sup>41</sup>

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<sup>38</sup> *Id.* at 8-1 through 8-2.

<sup>39</sup> *Id.* at 8-2.

<sup>40</sup> *Id.* at 8-6.

<sup>41</sup> *Id.* at 8-25

- y. ***“Several vistas have public values that deserve protection. These include the entry into and exit from Lake Michigan on the Kalamazoo River, the view from Mount Baldhead, the view of Kalamazoo Lake from both ends, and approaches to the Kalamazoo River Bridge”*** (emphasis added).<sup>42</sup>
- z. “In seeking to balance economic development with environmental protection, the concept of carrying capacity should be a major consideration. If the carrying capacity of land or water is exceeded, then activities cannot be undertaken without unacceptable impacts on users, the environment, or both. Impacts can include increased trip times, decreased safety, pollution, loss of open space, and many other considerations. The key is prevention of overuse by limiting intensity of use on adjoining lands and regulating surface water use. Environmental protection must be a leading principle in making future land use decisions along the waterfront. Environmentally sensitive areas such as sand dunes, wetlands, high risk erosion areas, floodplains, and key woodlands should be protected from unnecessary destruction. Development should complement rather than destroy these areas and their values. By doing so the environmental quality of the air and water will be improved, wildlife habitat will be preserved, scenic values will be protected, and the character of the area will be maintained. Some new intensive shoreline development will be desirable and necessary, but the balance should not be disproportionately on the side of new tax base as it has been for the past three decades. Opportunities to enhance the waterfront should be seized. Parks and open spaces should eventually be linked with other public places.”<sup>43</sup>
- aa. “Protection mechanisms, like the Natural River designation, should be recognized for the ancillary benefits they bring to the community.”<sup>44</sup>
- bb. “Good land use planning is essential to the future quality of life in the Tri-Communities. Actual future land uses are difficult to predict and guide to achieve desired results. A future land use map and plan expresses local and use goals and policies and provides a land use scenario which a community may use as a physical guide. Goals and policies, in turn, drive land use and development decisions.”<sup>45</sup>
- cc. “The following planning and design principles are the technical foundation in support of the proposed land use arrangements graphically depicted on the Future Land Use Map. These principles are consistent with the goals and policies in Chapter 1 and should remain the basis for reviewing any subsequent changes to the proposed Future Land Use Map. These planning principles are:

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 8-25 through 8-26.

<sup>44</sup> *Id.* at 8-27.

<sup>45</sup> *Id.* at 10-1.

- Protection of public health and safety
- *Conservation of natural resources*
- *Environmental Protection*
- Minimizing public service costs
- Efficiency and convenience in meeting land use needs
- *Insuring compatibility between land uses*” (emphasis added).<sup>46</sup>

dd. “Failure to consciously protect nonrenewable natural resources exposes a community to unbridled destruction of those resources which are the foundation for an area's character and quality of life. Conservation of natural resources usually focuses on: land, water, minerals, certain soils (such as prime farmland), wetlands, sand dunes, areas supporting an abundance and diversity of wildlife, and unique forested lands. Areas where the land and the water meet are the most important. Indiscriminate land subdivision frequently reduces the size or alters the shape of land, thereby compromising the resource value and production potential of those lands. This occurs frequently in prime agricultural areas and once lost, these lands may never be reclaimed for food production purposes.”<sup>47</sup>

ee. “This principle aims at preventing pollution, impairment or destruction of the environment. While there is considerable overlap with natural resource conservation issues, environmental protection measures focus primarily on air and water quality, and the impact of activities where the water meets the land. Environmental quality is best preserved by planning for appropriate land use activities in and near sensitive environmental areas, and managing development accordingly.”<sup>48</sup>

ff. “A central objective of land use planning is to locate future land uses so that they are compatible with one another. This prevents future nuisance situations between adjacent land uses, such as loud sound, ground vibrations, dust, bright lights, restricted air flow, shadows, odors, traffic, and similar impacts.”<sup>49</sup>

gg. “Other natural resource areas include sand dunes, wetlands, floodplains, streams, creeks and drains, the Kalamazoo River, Lake Kalamazoo, and areas at high risk of erosion along Lake Michigan. ***These areas are proposed for very limited future development in keeping with their fragility and importance in buffering Lake Michigan storms***, filtering and storing water during periods of flooding, draining stormwater from land, providing habitat for a wide range of plants and animals, and for their wide ranging open space values. ***Destroying these resources would destroy the essential qualities which continue to attract residents and tourists to the area.*** If conserved and wisely used, waterways and farms will become a natural greenbelt system that continues to enhance the area

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<sup>46</sup> *Id.* at 10-1.

<sup>47</sup> *Id.* at 10-3.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 10-4.

for years to come. Local zoning ordinances should be reviewed to ensure they include adequate conservation practices” (emphasis added).<sup>50</sup>

- hh. “The R-3 Lakeshore Residential Zoned District is that area of the township where controls are placed upon the use and development of areas adjacent to the shoreline of Lake Michigan *so as to preserve the shoreline as a natural resource to prevent and/or control erosion and to maintain the aesthetic qualities of the area*” (emphasis added).<sup>51</sup>
- ii. “Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.”<sup>52</sup>
- jj. “While the above priority initiatives are being implemented, the matters that come before planning commissions and governing bodies month-to-month will permit many opportunities to implement key policies in this Plan (see policies in Chapter 1). Following are key strategies that should be implemented at every opportunity through local zoning, subdivision regulations and capital improvement programs. Many may first require updates to existing Zoning Ordinances. Most of the following strategies focus on preservation of the existing charter of the Tri-Communities:
  - Protect the natural environment of the area AND Protect the visual quality of and visual access to the waterfront.”<sup>53</sup>

50. The City finds that, as a “local agency having jurisdiction or interest over the particular activity,” the marina basin will harm the firmly established tourist-based economy and the standards and interests of the community and therefore is “contrary to the public interest” and contrary to the well-established “public and private uses to which the area is suited.”

51. The City, based on the policies and goals accepted by the tri-communities, finds that such policies and goals demonstrate that the marina basin will pose negative impacts to the local environment, tourism, and use of the Kalamazoo River, and therefore is not “needed in the market place.”

#### HISTORIC LAND-USE AND PLANNING: THE CANAL IS NOT UNIFORM WITH “THE PUBLIC AND PRIVATE USES TO WHICH THE AREA IS SUITED”

52. The City finds that the 2005 Master Plan and the 2016 Master Plan reflect the “public and private uses to which the area is suited.”

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<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 10-12.

<sup>52</sup> *Id.* at 13-2.

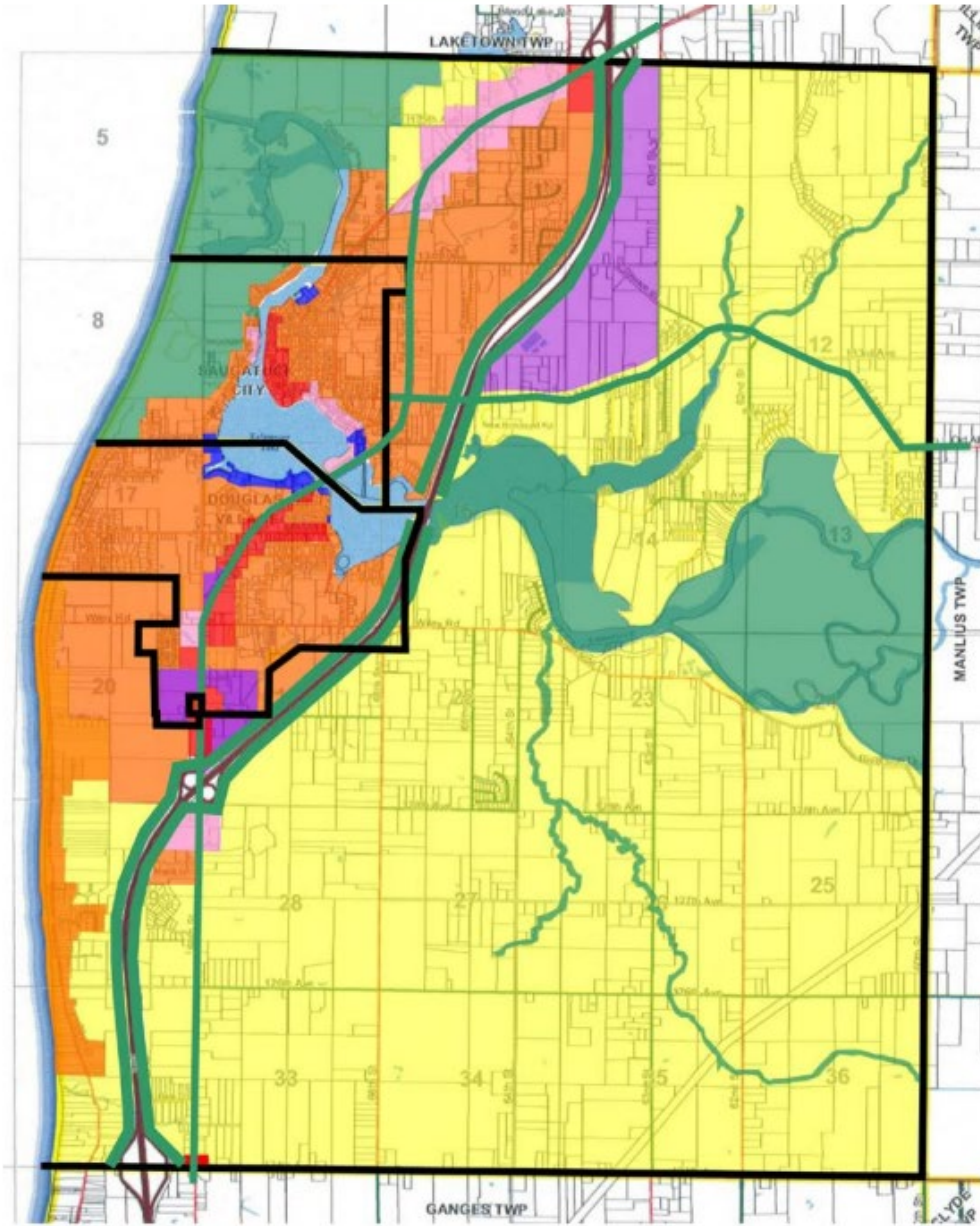
<sup>53</sup> *Id.* at 13-5.

53. The 2005 Master Plan states: “The northwest corner of the Township, along with [ ] most of the land in Saugatuck west of the Kalamazoo lake should be preserved for public open space and the portion that remains in private ownership should be maintained for low intensity uses (like the art colony and church camp).”<sup>54</sup>
54. The 2005 Master Plan and the 2016 master plan state: “Although waterfront lands have a high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the ‘goose that laid the golden egg’ will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.”<sup>55</sup>
55. The 300-acre Patty Birkholz Natural Area is immediately adjacent to the proposed marina basin. It is one of only 20 legally-designated natural areas in the State of Michigan, and the City finds its preservation as one of the preeminent natural areas in the State of great importance to the local community and City.
56. The Master Plan for Saugatuck Dunes State Park and Patty Birkholz Natural Area calls for a low-impact nature area.
57. The parking lot for these nature areas was situated to be as far from the natural area as possible to ensure no noise, vibrations, glare, or fumes would be introduced into this sanctuary. The proposed marina basin itself would be contrary to those extra efforts to maintain the natural area in pristine environmental condition and quality.
58. The City finds that the proposed marina basin is contrary to the well-established “public and private uses to which the area is suited.”
59. For reference, the City acknowledges that the following is the future land use map proposed by the 2016 Master Plan:

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<sup>54</sup> City of Saugatuck, et al., Tri-Community Master Plan 10-7 (2005).

<sup>55</sup> *Id.* at 8-1 through 8-2; City of Saugatuck, et al., Tri-Community Master Plan 8-1 through 8-2 (2016).



**Legend**

- |   |  |
|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Rural Low Density Single Family Residential/Agricultural   | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Commercial             |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Medium to High Density Single and Multi-Family Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> Industrial          |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Mixed Use Residential/Commercial                             | <span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> Greenspace, Preserve |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Waterfront Mixed Use   | <span style="display: inline-block; width: 15px; height: 10px; background-color: darkgreen; border: 1px solid black;"></span> Highway Buffer   |

CONCLUSION

- 60. The City, as a “local agency having . . . interest over the particular activity,” finds that the proposed marina basin is “contrary to the public interest.”
- 61. The City finds that the cumulative, permanent detrimental impacts of the excavation and construction of the proposed marina basin on property held by the City, adjacent natural areas, and on the Tri-Community tourist-based economy far outweigh any benefits from the construction of the marina basin. The City therefore finds that the canal is not necessary for development of the property at issue.
- 62. The City finds that the Tri-Community tourist-based economy relies on the preservation of the historical, ecological, and cultural values in the river mouth area.
- 63. The City finds that the proposed marina basin is contrary to the well-established “public and private uses to which the area is suited.”
- 64. Based on the findings in this Resolution, the City of Saugatuck asks the United States Army Corps of Engineers to make an independent review of the need for the project from the prospective of the overall public interest.
- 65. Based on the findings in this Resolution, the City of Saugatuck asks the United States Army Corps of Engineers to strongly consider the public interest factors.

YEAS: Council Members: \_\_\_\_\_

NAYS: Council Members: \_\_\_\_\_

ABSTAIN: Council Members: \_\_\_\_\_

ABSENT: Council Members: \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED.**

Dated: \_\_\_\_\_  
Garnet Lewis, Mayor

**CERTIFICATION**

I, Jamie Wolters, the City Clerk of the City of Saugatuck, do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held on \_\_\_\_\_, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, for which the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest:

\_\_\_\_\_  
Jamie Wolters, City Clerk



CITY OF SAUGATUCK  
COUNTY OF ALLEGAN  
STATE OF MICHIGAN

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION PROVIDING CITY COUNCIL'S PUBLIC COMMENT  
TO THE UNITED STATES ARMY CORPS OF ENGINEERS ON NORTHSHORE OF  
SAUGATUCK, LLC'S PERMIT TO BUILD A MARINA BASIN

Council Member \_\_\_\_\_ offered the following resolution and  
moved for its adoption, seconded by Council Member  
\_\_\_\_\_.

WHEREAS, ~~North Shores~~NorthShore of Saugatuck, LLC has applied for a United States Army Corps of Engineers (the "USACE") permit (with USACE review file no. LRE-2010-00304-52-~~S17517~~-2) under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act to build a marina basin located in the Kalamazoo River, near the mouth of the Kalamazoo in Saugatuck Township (the "Township"), Michigan; ~~and.~~

WHEREAS, the site is located ~~offshore~~upland at 3574 Dugout Road and 6500 135<sup>th</sup> Avenue, Allegan County, Michigan 49453.

WHEREAS, the City's jurisdictional boundaries, including its jurisdiction and control over the Kalamazoo River that exists within the City's boundaries, is near to the proposed marina basin.

WHEREAS, the City further owns extensive acreage held as public lands with substantial frontage on the Kalamazoo River that is directly south of the proposed marina basin.

WHEREAS, the City has interests, as reflected below, that are impacted by developments in the area, including the City's interests as a fiduciary in holding public lands in trust for its community and representing the general interests of the public within the City.

WHEREAS, the USACE is required to take into account the effects of proposed undertakings on historic properties both within and beyond waters of the United States; ~~and.~~

WHEREAS, the USACE provided further Public Notice to the City on July 2, 2018, specifically regarding Section 106 to seek input on historic properties issues regarding the subject application pursuant to Section 106 of the National Historic Preservation Act and pursuant to 33 CFR 325, Appendix C.

WHEREAS, in response to the Public Notice and the understanding that the USACE will still consider public comment as part of the open application, City Council desires to provide public comment on the pending application and stress the importance of the USACE to carefully review and weigh the public interest factors as well as historic preservation of the historic and cultural history at and around the proposed location as set forth below.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. In its evaluation of permit applications, the USACE will conduct a public interest review in which “due consideration shall be given to” a “local agency having jurisdiction or interest over the particular activity” and the USACE will consider “those official views as a reflection of local factors of the public interest.”<sup>1</sup>
2. It is true that “[w]hen private enterprise makes application for a permit, it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place. *However, the district engineer in appropriate cases, may make an independent review of the need for the project from the perspective of the overall public interest.*”<sup>2</sup> (emphasis added).
3. In every application, the USACE will consider “[t]he extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work is likely to have on the public and private uses to which the area is suited.”<sup>3</sup>
4. With regard to “other Federal, state, or local requirements,” “where the required Federal, state and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application, the district engineer will, after considering the likelihood of subsequent approval of the other authorization and/or certification and the time and effort remaining to complete processing the Army permit application, either immediately deny the Army permit without prejudice or continue processing the application to a conclusion. If the district engineer continues processing the application, he will conclude by either denying the permit as contrary to the public interest, or denying it without prejudice indicating that except for the other Federal state or local denial the Army permit could, under appropriate conditions, be issued.”<sup>4</sup>
5. The City, as a “local agency having jurisdiction or interest over the particular activity,” finds that the proposed excavation to build a marina basin ~~near~~within the Critical Dune Area adjacent to the Kalamazoo River ~~near the City~~ appears “contrary to the public interest.”

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<sup>1</sup> 33 ~~C.F.R.~~CFR § 320.4.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

6. The City finds that the cumulative, permanent detrimental impacts of the excavation and construction of the proposed marina basin on the Tri-Community tourist-based economy (City of Saugatuck, City of the Village of Douglas, and Saugatuck Township) far outweigh any possible economic benefit. The City therefore questions that the marina ~~basin~~ basin is ~~not~~ clearly “needed in the market place.”
7. The City finds that the Tri-Community tourist-based economy relies on the preservation of the historical, ecological, and cultural values in the river mouth area, which appear will be impacted by the proposed marina basin.
8. The City finds that the proposed marina basin has the potential of impacting well-established “public and private uses to which the area is suited,” including public lands held by governmental agencies to the north and south of the proposed marina basin.
9. With regard to “other Federal, state, or local requirements,” the City only notes that litigation continues between the Saugatuck Dunes Coastal Alliance and Saugatuck Township regarding local approvals related to the marina basin.
10. The City particularly notes the following facts:
  - a. The construction of the canal will decrease Michigan’s Critical Dune Area by 6.5 acres.<sup>5</sup>
  - b. The construction of the canal will destroy the historic site of Singapore, a 19<sup>th</sup> century lumber town buried under the dunes and eligible for the National Register of Historic Places.<sup>6</sup>
  - c. The construction of the canal may damage the Potawatomi traditional cultural resources, disturbing Lake Sturgeon, wild rice growth traditionally gathered

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<sup>5</sup> US Army Corps of Engineers, Public Notice: Proposed Marina in the Kalamazoo River and Beach Nourishment in Lake Michigan at Saugatuck, Michigan 1 (2017) (“[a] total of 241,750 cubic yards of sand would be excavated from a 6.54-acre upland area approximately 1,639 feet long and up to 200 feet wide, temporarily leaving a soil plug at the marina basin entrance~~—~~”).

<sup>6</sup> US Army Corps of Engineers, Public Notice: Historic Properties Review for Proposed Marina Basin in the Kalamazoo River in Saugatuck Township, Michigan 4 (2018) (finding “the undertaking would have no adverse effect on Areas A, B, and D, but the undertaking would have an adverse effect on Area C, as defined in 36 CFR 800.5(a)(1)”). Area C has been identified as part of the buried 19<sup>th</sup> Century lumber town of Singapore.

and connected to the area, and traditional burial grounds at the mouth of the Kalamazoo River.<sup>7</sup>

- d. ~~The~~[The disposal of spoils from the](#) construction of the canal will contribute to deforestation of a significant tree canopy of wooded sand dunes along the Kalamazoo River.<sup>8</sup>
- e. The construction of the canal will contribute to devaluation of the tri-communities' more than \$20 million in investments in the adjacent Saugatuck Harbor Natural Area, Tallmadge Woods Nature Preserve, and the Patty Birkholtz Natural Area.<sup>9</sup>

#### HISTORY OF THE TRI-~~COMMUNITY~~[COMMUNITIES](#)' VALUES AND TOURIST ECONOMY: THE CANAL IS "CONTRARY TO THE PUBLIC INTEREST" AND NOT "NEEDED IN THE MARKET PLACE"

11. The Tri-Communities have a 137-year history of deliberately building a tourist-based economy centered on the *preservation* and *conservation* of public open space in the river mouth area.
12. In 1884, the Village of Saugatuck—the former governmental entity prior to incorporation of the Village into the now City of Saugatuck—purchased Mount Baldhead and the lake frontage to the west. The lake frontage would eventually become Oval Beach. Stairs up the east side of the dune and a pavilion at the bottom were built to attract tourists to the area.
13. In 1920, Thomas Eddy Tallmadge purchased 105 acres of forested dunes surrounding the Ox-Bow School of Art. To protect the school and land, Tallmadge made arrangements with the City to preserve the land as green space in times the school did not operate.
14. In 1936, the City opened Oval Beach.

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<sup>7</sup> Mario Battaglia & Rebecca A. Hawkins, *Ethnographic Traditional Cultural Property Study of the Mouth of the Kalamazoo River, Allegan County, Michigan* 13-18, 23 (2019).

<sup>8</sup> City of Saugatuck, et al., *Tri-Community Master Plan 4-23* (2016) (“Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence.”). Recent drone images reveal that the “laydown area” proposed by NorthShore of Saugatuck in both the USACE and EGLE permit applications has been clearcut and excavated.

<sup>9</sup> See Letter from Lana Pollack, ~~chair~~[Chair](#) of Michigan Natural Resources Trust Fund Board, to National Trust for Historic Preservation (Jan. 15, 2010) (on file with the City of Saugatuck).

15. In 1957, the National Park Service conducted a survey of potential park sites along Lake Michigan. The Park Service wrote in its study: “[b]y virtue of its fine beaches (Oval Beach) and scenic hinterlands, Saugatuck has a high public use value. . . . *Immediate steps should be taken to safeguard these values in order to meet the recreation demands of this region.*” (emphasis added).
16. Between 1977 and 1988, local citizens worked to establish Saugatuck Dunes State Park and Natural Area.
17. In 1977, the Natural Areas Conservancy of West Michigan (“NACOWMI”) acquired a 300-acre parcel, known as the Luther-Uhl property, which was adjacent to what would become the Saugatuck Dunes State Park.
18. Around this time, the State acquired 550 acres from the Augustinian Seminary. It kept 40 acres of this land for the operation of a prison and gave the remainder of the land to the Department of Natural Resources (“DNR”).
19. Following its acquisition of the land, it advocated for the Luther-Uhl land to be protected as a natural area for scientific study.
20. Following this, the DNR announced its state park plan which called for a 1,500-car parking lot on the beach and an off-road vehicle area. ***The local response was immediate and unanimously negative.***
21. The DNR withdrew its state park plan and allowed for the formation of a citizen’s advisory committee to draft a master plan for Saugatuck Dunes State Park. ***This was the first time a citizen’s advisory committee was entrusted to create a State Park Master Plan.***
22. Patty Birkholz, a Parks Commissioner from the Township, was appointed Chair of the committee.
23. The committee’s Master Plan called for a ***low-impact nature study*** and prohibited overnight camping—a rare prohibition in the state park system.
24. The Master Plan included detailed expansion plans for acquiring, among other lands, those around the proposed marina basin, including the NorthShore of Saugatuck property. These plans called for an expanded natural area and designated historic site where the buried ghost town of Singapore lies.
25. The Master Plan required the Luther-Uhl property to be legally designated as a Natural Area ~~until October 1988~~.
26. The citizens charged with drafting the Master Plan worked with the conservancy community, the DNR, and the State for six years to ensure the protection of the land.

In 1982, the Master Plan was unanimously approved by the Natural Resources Commission.

27. In January 2004, *the DNR received over 100 individual letters supporting a proposed expansion of the Saugatuck Dunes State Park to include [the](#) Denison property, which then became the Singapore Dunes LLC property and most recently *became the NorthShore of Saugatuck property.**
28. Between the years 2003 and 2005, the communities of the City of Saugatuck, the City of the Village of Douglas, and Saugatuck Township came together for a series of meetings to discuss and debate land use issues and future development. This meeting led to the publication of the 2005 Tri-Community Master Plan, (the “2005 Master Plan<sup>2)</sup>”), which focused on protecting the historical, ecological, and cultural values that drive the tourist-based economy.
29. During this period of time, there were two townhall-style meetings, as well as the collection of data from a community survey. Almost every other resident in the community responded.
30. The 2005 Master Plan was unanimously approved by the City of Saugatuck, the City of the Village of Douglas, Saugatuck Township, and Allegan County.
31. To put the 2005 Master Plan into place, the municipalities took several actions towards protecting the natural areas.
32. In 2007, the Tri-Communities placed a conservative easement onto Tallmadge Woods Nature Preserve.
33. In 2009, the Tri-Communities assisted in the \$20 million public acquisition of the Saugatuck Harbor Natural Area. A grant of \$10.5 million from the Michigan Natural Resources Trust Fund was the largest public grant ever extended by this state fund.
34. In 2010, the City voters passed a millage to tax themselves for better support of the natural resources’ local zoning protections.
35. In 2010, local organizations applied to have the Wild Heart of Saugatuck, an area [near/including](#) the river mouth, added to the National Trust for Historic Preservation’s annual list of America’s 11 Most Endangered Places.
36. Lana Pollack, former Chair of the Michigan Natural Resources Trust Fund Board, submitted the following letter to the National Trust for Historic Preservation in support of the designation, primarily in hopes of protecting the state’s investment:

“My own valuation of this area is best demonstrated by the recent MNRTF decision to grant \$10.5 million to protect a portion of the land now representing a significant part of this application. The grant approved in December 2009 is one of the largest MNRTF has ever made and is a

particularly impressive commitment given the intense competition from other worthy applicants that year. Support for the grant did not come easily, but not because of a questioned worth of the project – 171 acres of critical dunes with globally imperiled inter-dunal wetlands, habitat that is home to several threatened and endangered species. The project’s value was undoubtedly enhanced by its immediate proximity to Saugatuck’s Oval Beach, the Saugatuck Lighthouse Cottage and the Ox-Bow School of Art. Although MNRTF is focused on saving natural landscapes, we also recognized in this case the historic and cultural context of the particular 171 acres that our grant was supporting.

*“The designation that we now seek from the National Trust for Historic Preservation is needed because of the threat of development on the parcel immediately north of the Saugatuck Harbor Natural Area. The current proposal calls for a major marina development with a suggested nine story hotel, restaurants, retail businesses as well as a 70 slip marina near the site of the buried ghost town of Singapore – all prohibited by current zoning. If completed, the proposed development’s impact on MNRTF’s investment of \$10.5 million still leaves me concerned that our public investment may become mostly the enhanced viewscape for a commercial development.*

*“Fortunately, the history of preservation of the Saugatuck Dunes is strong. In the 1940’s the State of Michigan looked at constructing a State Park at the mouth of the Kalamazoo River. In the 1950’s the National Park Service surveyed the Saugatuck Dunes for its potential as a National Lakeshore. In the 1980’s area citizens worked together to draft the Master Plan for the Saugatuck Dunes State Park and Natural Area. This followed the initial plan from the state DNR that called for paved roads and a parking plot on the beach, which was met with near unanimous resistance. Since that time several additional key parcels have been placed into conservation easements or turned into parks; historic buildings have been acquired by the local Historical Society; and progressive planning has established a Lakeshore Open Space District designed to better protect the historic and ecological treasures along the river and lakeshore.*

*“It was with this in mind – the long and determinedly fought history of protecting the Saugatuck Dunes – that I felt comfortable urging MNRTF to award the \$10.5 million grant. The tenacious commitment of the local community to protect the Saugatuck Dunes’ many historic, cultural and ecological resources ultimately held more sway than the threat of a developer’s legal war chest to overturn protective zoning controls.”* [\[emphasis added\]](#).

37. In 2016, the updated Tri-Community Master Plan (the “2016 Master Plan”) was released. The priority among the Tri-Communities remains: “Public acquisition of the

Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.”<sup>10</sup>

38. Today, the City owns nearly 16,000 feet of water frontage in the River Mouth Area immediately adjacent to the proposed canal. A portion of this is the Saugatuck Harbor Natural Area, a 177-acre designated natural area/sanctuary held under the supervision of the City. The Saugatuck Harbor Natural Area has 570 feet of water frontage on the Kalamazoo River, ~~1,800 feet of water frontage along the USACE channel,~~ and nearly 6,200 feet of water frontage on the Old Harbor. All of this water frontage is in its natural state and does not have seawalls or riprap. The City also manages the Tallmadge Woods Nature Preserve, a 100-acre preserve with 6,200 feet of Kalamazoo River frontage and 2,900 feet of Old Harbor water frontage.
39. The Saugatuck Harbor Natural Area and the Tallmadge Woods Nature Preserve connect with Saugatuck’s Oval Beach and Mount Baldhead Park, together comprising ~~of~~ 415 acres of park land and natural areas. These areas are all managed as low-impact natural areas to ensure the protection of the ecological, historical, and cultural values that drive Saugatuck’s tourism-based economy. These areas are indispensable to the economic well-being of the City of Saugatuck, the City of the Village of Douglas, and Saugatuck Township (the “Tri-Communities”).
40. The NorthShore of Saugatuck development and management may directly affect these natural areas and sanctuaries that the City manages for the benefit of the community.
41. Because of its effect on the low-impact natural areas and City-owned property, the NorthShore of Saugatuck development may have significant impacts on the Tri-Communities’ tourist-based economy.
42. Among the goals listed in the 2016 Master Plan is the goal to “[p]rotect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.”<sup>11</sup>
43. The 2016 Master Plan also outlines the goal to “[g]uide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.”<sup>12</sup>
44. The 2016 Master Plan states that “[t]hese joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of

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<sup>10</sup> City of Saugatuck, et al., Tri-Community Master Plan 9-6 (2016).

<sup>11</sup> City of Saugatuck, et al., Tri-Community Master Plan 1-12 (2016).

<sup>12</sup> *Id.* at 1-4.



Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.”<sup>13</sup>

45. The goals and policies in the 2016 Master Plan “are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision.”<sup>14</sup>
46. The goals and policies outlined in the 2016 Master Plan and those outlined by the City here represent a “local agency having jurisdiction or interest over the particular activity” and should be considered “as a reflection of the local factors of the public interest.”<sup>15</sup>
47. The 2016 Master Plan articulates the economic public interest in preserving the river mouth area of the Kalamazoo River for “low-impact development” or public open space.<sup>16</sup>
48. The City considers the 2016 Master Plan to be “a reflection of local factors of the public interest.” The 2016 Master Plan states “[t]hese joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.”<sup>17</sup>
49. Specifically, the City considers the following 36 excerpts from the 2016 Plan to be “a reflection of local factors of the public interest”:
  - a. “Goal: Guide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.”<sup>18</sup>
  - b. “Policy: Insure compatible land use planning and zoning across municipal borders and minimize land use conflicts by separating incompatible uses and requiring buffers where necessary.”<sup>19</sup>

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<sup>13</sup> *Id.* at 1-2.

<sup>14</sup> *Id.*

<sup>15</sup> 33 [C.F.R.CFR](#) § 320.4(j)(1).

<sup>16</sup> See, generally, City of Saugatuck, et al., Tri-Community Master Plan (2016).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 1-4.

<sup>19</sup> *Id.* at 1-5.

- c. “Policy: Support efforts to foster tourism by preserving the scenic beauty of the environment, expanding recreational opportunities, improving tourist attractions, preserving the historic character of the communities through the preservation of historic structures, expanding cultural and arts opportunities and encouraging development of promotional material which highlight the attractions of the Tri-Communities.”<sup>20</sup>
- d. “Goal: Encourage planning efforts based on the understanding, knowledge and respect for the Tri-Community’s historical and cultural resources.”<sup>21</sup>
- e. “Policy: Discourage the development of high intensity residential uses along the waterfront.”<sup>22</sup>
- f. “Goal: Protect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.”<sup>23</sup>
- g. “Policy: Identify development limitations on special environments which classify environments based on their value to the ecosystem, unique attributes, the presence of endangered plant and wildlife species, and other characteristics deemed significant.”<sup>24</sup>
- h. “Policy: Encourage acquisition of special environments of significant public value by public agencies or nonprofit conservancy organizations for the purpose of preservation.”<sup>25</sup>
- i. “Policy: Prepare and maintain a subarea plan for the Oxbow Peninsula including the [NorthShore of Saugatuck Property] ‘Denison Property.’”<sup>26</sup>
- j. “Policy: Promote the preservation of open spaces and natural areas, as well as limited, carefully planned development along the Kalamazoo River, Kalamazoo Lake, Silver Lake, Goshorn Lake, and Lake Michigan and connecting streams, creeks, and drainage ways to protect and enhance the scenic beauty of these waterfront areas.”<sup>27</sup>

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<sup>20</sup> *Id.* at 1-6.

<sup>21</sup> *Id.* at 1-10.

<sup>22</sup> *Id.* at 1-12.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 1-13.

- k. “In 2002 the City of Saugatuck completed a strategic plan for purposes of future growth and development and efforts involved an examination of local tourism and public opinion. The following data was secured from the plan’s survey of visitors to the area, and provides useful information considered applicable to each of the Tri-Communities when considering economic and recreational impacts on the area. . . Activities – beach (40%), dune rides (12%), and boating (11%) Spending Patterns - \$500 to \$599 (median range), 15% spend +\$1,000. . .”<sup>28</sup>
- l. “The primary reasons people visit or live in the three communities are to enjoy the scenery and recreational opportunities and to live in a picturesque, safe place while they commute to nearby (or distant) urban centers. Beach recreation, boating and other water activities, shopping, art galleries and enjoying the scenery are the primary attractions for both tourists and year-around residents. While agriculture, industry and tourism are important economic sectors represented in the Tri-Communities, *tourism is king*”<sup>29</sup> (emphasis added).<sup>29</sup>
- m. “Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. *In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence*”<sup>30</sup> (emphasis added).<sup>30</sup>
- n. “A large portion of the lakeshore both north and south of the mouth of the Kalamazoo River is undeveloped or very sparsely developed. ***A portion of this segment of the shoreline is in public ownership as Oval Beach Park. In 2011, the City of Saugatuck completed its acquisition of the 173 acres of natural dunes and 3,650 feet of undeveloped Lake Michigan Shoreline, formerly owned by the Denison family, between the south Kalamazoo River pier and Oval Beach City Park. This was made possibly through a partnership between the City; the Land Conservancy of West Michigan; a 10.5 million grant from the Michigan Natural Resources Trust Fund; The Nature Conservancy; The Conservation Fund; and generous private donors.*** The Saugatuck Harbor Natural Area, as it is now called, is open year round for low impact uses such as hiking, fishing, bird watching and beach combing.”<sup>31</sup>
- o. “The Tri-Community area is rich in cultural, and historical points of interest and many archaeological sites can be found throughout the area. Leading economists and forward-thinking governmental leaders have recognized the social and economic value of promoting and preserving cultural and historic

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<sup>28</sup> *Id.* at 2-8.

<sup>29</sup> *Id.* at 3-1.

<sup>30</sup> *Id.* at 4-23.

<sup>31</sup> *Id.* at 5-7.

assets. The state of Michigan has made community cultural; planning a key part of its most publicized and marketed economic development strategies: the ‘smart growth’; ‘heritage/cultural tourism’; and ‘cool cities’ initiatives.”<sup>32</sup>

- p. “Archaeological sites are of particular scientific value to the fields of anthropology, ecology and biology, and may have historic or ethnic significance as well. There are 120 archaeological sites scattered throughout the Tri-Community area, mostly related to Ottawa and Potawatomi cultures. Their exact locations have not been disclosed by the Bureau of history to protect them from exploitation. One of these sites, the Hacklander Site, located in Section 23 is listed on the National Register of Historic Places and has components representing Middle and Late Woodland periods. *A second important site is the old Singapore site located at the north edge of the ‘new’ (1906) harbor channel. Recipients of Federal assistance must ensure that their projects avoid damage or destruction of significant historical and archaeological resources.* The Michigan Bureau of History reviews these projects to assess their impact on archaeological sites.”<sup>33</sup> (emphasis added).
- q. “Parks, recreation, and open space are essential to the quality of life of area residents, and are an important component of the local tourist economy. They enhance property values, as well as physical and psychological well-being.”<sup>34</sup>
- r. “According to the 2004 community opinion survey, following was the response to the question of whether the respondent would support the additional recreation-related activities even if it meant an increase in general property taxes. . . . The greatest support among recreation-related topics was for better water quality with 62.5%, bike lanes/pathways with 60.5% support and *parks and recreation at 50.9%. When citizens express a willingness to pay higher taxes for a service that is very significant.*”<sup>35</sup> (emphasis added).
- s. “Recreation is important to the Tri-Communities and the visual experience of the community is tied to the recreational experience. Residents like to live in the Tri-Communities, in part, because it is a uniquely attractive location. *Tourists visit and spend money in the Tri-Communities based in part on the visual experience. Natural features and open spaces are important components of the Tri-Communities,* contrasting with the concentrated, developed areas of the City of Saugatuck and the City of the Village of Douglas. The compact, strong identities of the City and Village are enhanced when natural, open spaces surround the two communities. Water is one of the natural features surrounding the City and Village and helping to give them form and identity. Wetlands,

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<sup>32</sup> *Id.* at 5-9.

<sup>33</sup> *Id.* at 5-11.

<sup>34</sup> *Id.* at 7-1.

<sup>35</sup> *Id.* at 7-18.

woodlands, farms and parks are other existing natural features that currently contribute to natural open space.”<sup>36</sup>

- t. “Tourists have always been attracted to the area, but tourism is now the number one economic activity. . . . Consequently, how the waterfront is used will be of crucial importance to the future of the Tri-Community area.”<sup>37</sup>
- u. *“Although waterfront lands have high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the ‘goose that laid the golden egg’ will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.”*<sup>38</sup> (emphasis added).<sup>38</sup>
- v. “This plan seeks to define a balance between competing uses. It places protection of the natural environment at first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.”<sup>39</sup>
- w. “Under the state Wilderness, Wild, and Natural Areas Program (Part 351 of the Natural Resources and Environmental Protection Act of 1994), the DNR is charged with identifying, dedicating and administering wilderness, wild and natural areas. Within the Saugatuck region, the DNR has dedicated the Saugatuck Dunes Natural Area to protect the unique dune ecosystem of open dunes, blowouts, interdunal wetlands and wooded dunes, Pitcher’s Thistle occurs within the area and is listed as a threatened species by both the state and federal government. The Saugatuck Dunes Natural Area is within Saugatuck Dunes State Park. Sensitive dune ecosystems also occur in the dune areas on either side of the Kalamazoo River mouth at Lake Michigan. This area is planned for protection but details have yet to be finalized. Management would likely be the responsibility of the City of Saugatuck, Saugatuck Township and the State Park. The entire Kalamazoo River, including the Saugatuck/Douglas area is designated as an area of particular concern by the DNR. Areas of particular concern are those having scarce resources, unusual scenic beauty,

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 8-1.

<sup>38</sup> *Id.* at 8-1 through 8-2.

<sup>39</sup> *Id.* at 8-2.

unusual economic value, recreational attractions, or some combination of the above. They are only located in coastal areas. Altering the environment in an area of ‘particular concern’ could have a significant impact on the quality of coastal and Great Lakes waters.”<sup>40</sup>

- x. “As has been emphasized throughout this Plan, *the natural beauty of the waterfront has much to do with the attraction of the Tri-Community area.*”<sup>41</sup> (emphasis added).
- y. “***Several vistas have public values that deserve protection. These include the entry into and exit from Lake Michigan on the Kalamazoo River,*** the view from Mount Baldhead, the view of Kalamazoo Lake from both ends, and approaches to the Kalamazoo River Bridge.”<sup>42</sup> (emphasis added).
- z. “In seeking to balance economic development with environmental protection, the concept of carrying capacity should be a major consideration. If the carrying capacity of land or water is exceeded, then activities cannot be undertaken without unacceptable impacts on users, the environment, or both. Impacts can include increased trip times, decreased safety, pollution, loss of open space, and many other considerations. The key is prevention of overuse by limiting intensity of use on adjoining lands and regulating surface water use. Environmental protection must be a leading principle in making future land use decisions along the waterfront. Environmentally sensitive areas such as sand dunes, wetlands, high risk erosion areas, floodplains, and key woodlands should be protected from unnecessary destruction. Development should complement rather than destroy these areas and their values. By doing so the environmental quality of the air and water will be improved, wildlife habitat will be preserved, scenic values will be protected, and the character of the area will be maintained. Some new intensive shoreline development will be desirable and necessary, but the balance should not be disproportionately on the side of new tax base as it has been for the past three decades. Opportunities to enhance the waterfront should be seized. Parks and open spaces should eventually be linked with other public places.”<sup>43</sup>
- aa. “Protection mechanisms, like the Natural River designation, should be recognized for the ancillary benefits they bring to the community.”<sup>44</sup>
- bb. “Good land use planning is essential to the future quality of life in the Tri-Communities. Actual future land uses are difficult to predict and guide to

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<sup>40</sup> *Id.* at 8-6.

<sup>41</sup> *Id.* at 8-25

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 8-25 through 8-26.

<sup>44</sup> *Id.* at 8-27.

achieve desired results. A future land use map and plan expresses local and use goals and policies and provides a land use scenario which a community may use as a physical guide. Goals and policies, in turn, drive land use and development decisions.”<sup>45</sup>

cc. “The following planning and design principles are the technical foundation in support of the proposed land use arrangements graphically depicted on the Future Land Use Map. These principles are consistent with the goals and policies in Chapter 1 and should remain the basis for reviewing any subsequent changes to the proposed Future Land Use Map. These planning principles are:

- Protection of public health and safety
- *Conservation of natural resources*
- *Environmental Protection*
- Minimizing public service costs
- Efficiency and convenience in meeting land use needs
- *Insuring compatibility between land uses*”<sup>46</sup> (emphasis added).

dd. “Failure to consciously protect nonrenewable natural resources exposes a community to unbridled destruction of those resources which are the foundation for an area's character and quality of life. Conservation of natural resources usually focuses on: land, water, minerals, certain soils (such as prime farmland), wetlands, sand dunes, areas supporting an abundance and diversity of wildlife, and unique forested lands. Areas where the land and the water meet are the most important. Indiscriminate land subdivision frequently reduces the size or alters the shape of land, thereby compromising the resource value and production potential of those lands. This occurs frequently in prime agricultural areas and once lost, these lands may never be reclaimed for food production purposes.”<sup>47</sup>

ee. “This principle aims at preventing pollution, impairment or destruction of the environment. While there is considerable overlap with natural resource conservation issues, environmental protection measures focus primarily on air and water quality, and the impact of activities where the water meets the land. Environmental quality is best preserved by planning for appropriate land use activities in and near sensitive environmental areas, and managing development accordingly.”<sup>48</sup>

ff. “A central objective of land use planning is to locate future land uses so that they are compatible with one another. This prevents future nuisance situations

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<sup>45</sup> *Id.* at 10-1.

<sup>46</sup> *Id.* at 10-1.

<sup>47</sup> *Id.* at 10-3.

<sup>48</sup> *Id.*

between adjacent land uses, such as loud sound, ground vibrations, dust, bright lights, restricted air flow, shadows, odors, traffic, and similar impacts.”<sup>49</sup>

gg. “Other natural resource areas include sand dunes, wetlands, floodplains, streams, creeks and drains, the Kalamazoo River, Lake Kalamazoo, and areas at high risk of erosion along Lake Michigan. ***These areas are proposed for very limited future development in keeping with their fragility and importance in buffering Lake Michigan storms***, filtering and storing water during periods of flooding, draining stormwater from land, providing habitat for a wide range of plants and animals, and for their wide ranging open space values. ***Destroying these resources would destroy the essential qualities which continue to attract residents and tourists to the area***. If conserved and wisely used, waterways and farms will become a natural greenbelt system that continues to enhance the area for years to come. Local zoning ordinances should be reviewed to ensure they include adequate conservation practices.”<sup>50</sup> (emphasis added).

hh. “The R-3 Lakeshore Residential Zoned District is that area of the township where controls are placed upon the use and development of areas adjacent to the shoreline of Lake Michigan *so as to preserve the shoreline as a natural resource to prevent and/or control erosion and to maintain the aesthetic qualities of the area.*”<sup>51</sup> (emphasis added).

ii. “Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.”<sup>52</sup>

jj. “While the above priority initiatives are being implemented, the matters that come before planning commissions and governing bodies month-to-month will permit many opportunities to implement key policies in this Plan (see policies in Chapter 1). Following are key strategies that should be implemented at every opportunity through local zoning, subdivision regulations and capital improvement programs. Many may first require updates to existing Zoning Ordinances. Most of the following strategies focus on preservation of the existing charter of the Tri-Communities:

- Protect the natural environment of the area AND Protect the visual quality of and visual access to the waterfront.”<sup>53</sup>

50. The City finds that, as a “local agency having jurisdiction or interest over the particular activity,” the marina basin ~~have a will~~ harm ~~to~~ the firmly established tourist-based economy and the standards and interests of the community and therefore is “contrary

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<sup>49</sup> *Id.* at 10-4.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 10-12.

<sup>52</sup> *Id.* at 13-2.

<sup>53</sup> *Id.* at 13-5.



to the public interest” and contrary to the well-established “public and private uses to which the area is suited.”

51. The City, based on the policies and goals accepted by the tri-communities, [finds](#) that such policies and goals demonstrate that the marina basin [haswill pose negative](#) impacts to the local environment, tourism, and use of the Kalamazoo River, and therefore [is](#) not “needed in the market place.”

#### HISTORIC LAND-USE AND PLANNING: THE CANAL IS NOT UNIFORM WITH “THE PUBLIC AND PRIVATE USES TO WHICH THE AREA IS SUITED”

52. The City finds that the 2005 Master Plan and the 2016 Master Plan reflect the “public and private uses to which the area is suited.”

53. The 2005 Master Plan states: “The northwest corner of the Township, along with [ ] most of the land in Saugatuck west of the Kalamazoo lake should be preserved for public open space and the portion that remains in private ownership should be maintained for low intensity uses (like the art colony and church camp).”<sup>54</sup>

54. The 2005 Master Plan and the 2016 master plan state: “Although waterfront lands have a high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the ‘goose that laid the golden egg’ will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.”<sup>55</sup>

55. The 300-acre Patty Birkholz Natural Area is immediately adjacent to the proposed marina basin. It is one of only 20 legally-designated natural areas in the State of Michigan, and the City finds its preservation as one of the preeminent natural areas in the State of great importance to the local community and City.

56. The Master Plan for Saugatuck Dunes State Park and Patty Birkholz Natural Area calls for a low-impact nature area.

57. The parking lot for these nature areas was situated to be as far from the natural area as possible to ensure no noise, vibrations, glare, or fumes would be introduced into this sanctuary. The proposed marina basin itself would be contrary to those extra efforts to maintain the natural area in pristine environmental condition and quality.

58. The City finds that the proposed marina basin is contrary to the well-established “public

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<sup>54</sup> City of Saugatuck, et al., Tri-Community Master Plan 10-7 (2005).

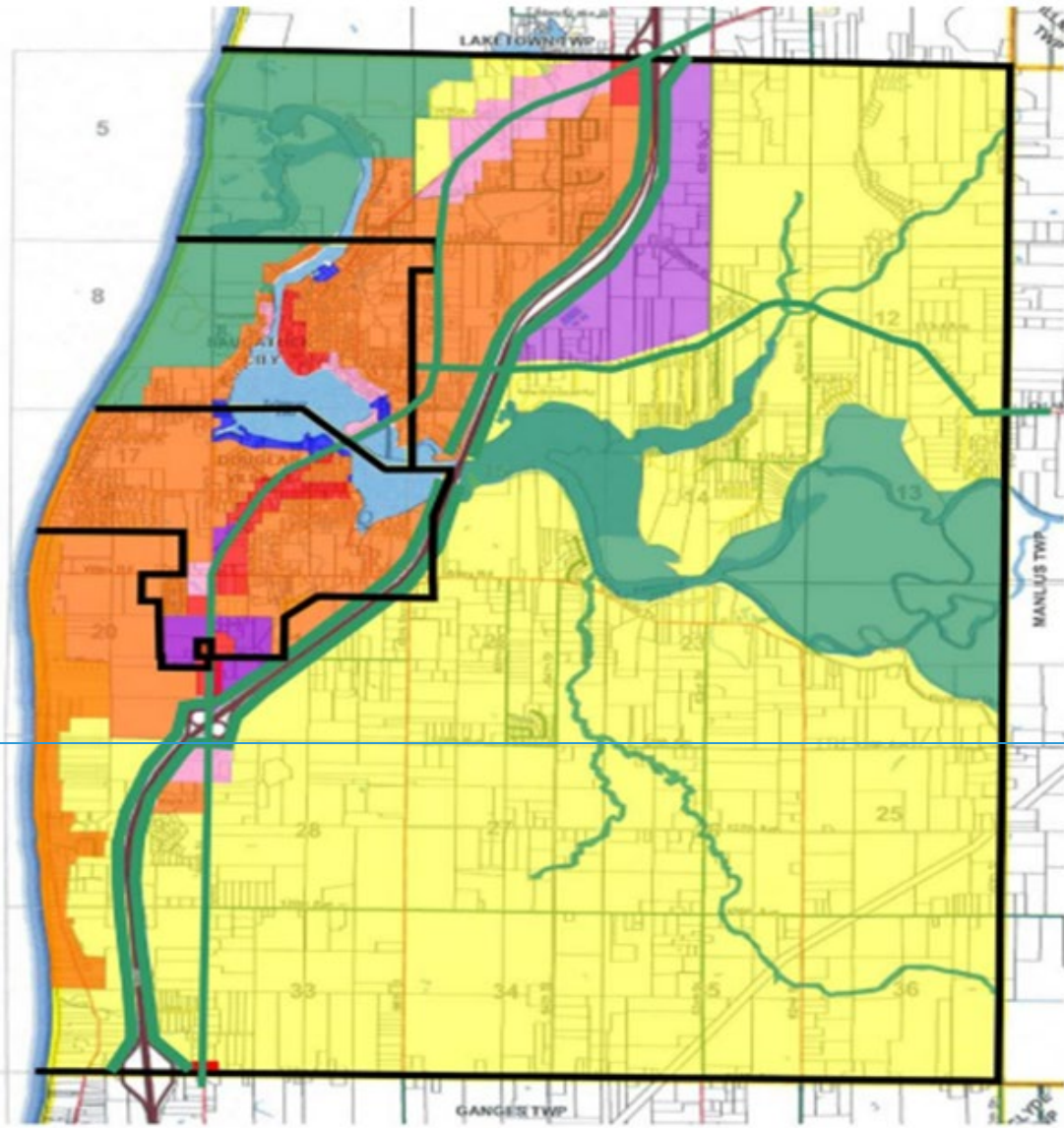
<sup>55</sup> *Id.* at 8-1 through 8-2; City of Saugatuck, et al., Tri-Community Master Plan 8-1 through 8-2 (2016).

| and private uses to which the area is suited.”

59. For reference, the City acknowledges that the following is the future land use map proposed by the 2016 Master Plan:

Map 10-1

Future Land Use Map



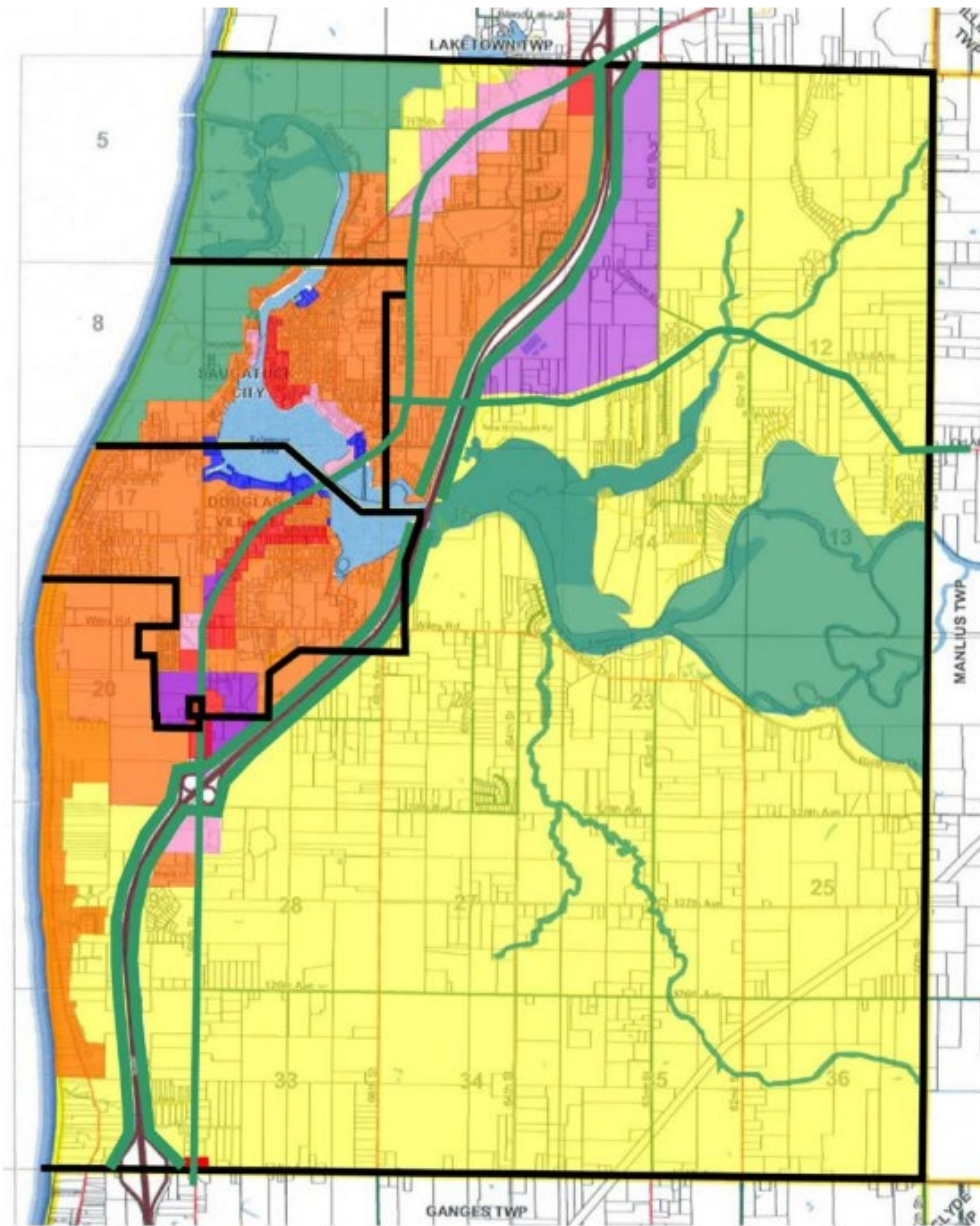
- Legend**
- Rural Low Density Single Family Residential/Agricultural
  - Medium to High Density Single and Multi-Family Residential
  - Mixed Use Residential/Commercial
  - Waterfront Mixed Use
  - Commercial
  - Industrial
  - Greenspace, Preserve
  - Highway Buffer

Tri-Community Master Plan Update  
2016  
10-2

PLEASE NOTE:

Any promise of future conservation easements, trails, land swaps by the property owner of NorthShore of Saugatuck, based upon what happens with permitting, is considered a Quid Pro Quo and is thus not considered a conservation easement permissible for tax reduction. xvi

60.



**Legend**

- |   |   |
|---|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Rural Low Density Single Family Residential/Agricultural   | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Commercial                  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Medium to High Density Single and Multi-Family Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> Industrial               |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Mixed Use Residential/Commercial                             | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> Greenspace, Preserve |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Waterfront Mixed Use   | <span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> Highway Buffer            |

CONCLUSION

~~61.60.~~ The City, as a “local agency having . . . interest over the particular activity,” finds that the proposed marina basin is ~~likely~~ “contrary to the public interest.”

~~62.61.~~ The City finds that the cumulative, permanent detrimental impacts of the excavation and construction of the proposed marina basin on property held by the City, adjacent natural areas, and on the Tri-Community tourist-based economy far outweigh any benefits from the construction of the marina basin. The City therefore finds that the canal is not necessary for development of the property at issue.

~~63.62.~~ The City finds that the Tri-Community tourist-based economy relies on the preservation of the historical, ecological, and cultural values in the river mouth area.

~~64.63.~~ The City finds that the proposed marina basin is contrary to the well-established “public and private uses to which the area is suited.”

~~65.64.~~ Based on the findings in this Resolution, the City of Saugatuck asks the United States Army Corps of Engineers to make an independent review of the need for the project from the prospective of the overall public interest.

~~66.65.~~ Based on the findings in this Resolution, the City of Saugatuck asks the United States Army Corps of Engineers to strongly consider the public interest factors.

YEAS: Council Members: \_\_\_\_\_

NAYS: Council Members: \_\_\_\_\_

ABSTAIN: Council Members: \_\_\_\_\_

ABSENT: Council Members: \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED.**

Dated: \_\_\_\_\_  
Garnet Lewis, Mayor

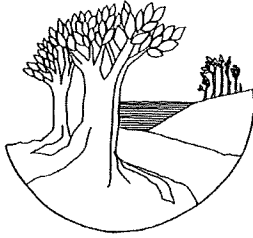
\_\_\_\_\_  
Jamie Wolters, City Clerk

**CERTIFICATION**

I, Jamie Wolters, the City Clerk of the City of Saugatuck, do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held \_\_\_\_\_, on \_\_\_\_\_, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, for which the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest:

\_\_\_\_\_  
Jamie Wolters, City Clerk



# SAUGATUCK TOWNSHIP

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SAUGATUCK, MI 49453

PHONE (269) 857-7721  
FAX (269) 857-4542

February 28, 2020

Kerrie E. Kuhne  
Chief, Permit Evaluation Western Branch  
Regulatory Office  
Detroit District, U.S. Army Corps of Engineers  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

**RE: North Shores of Saugatuck, LLC – Proposed Marina Basin  
File No. LRE-2010-00304-52-S17-2  
USACE Section 106 Historic Properties Review**

Dear Ms. Kuhne:

I am writing at the direction of the Saugatuck Township Board regarding North Shores of Saugatuck, LLC's pending application to construct a marina basin in the Township near the mouth of the Kalamazoo River.

As background, the Township first received a request for comments from the Army Corps of Engineers in July 2018. At that time, the Township opted not to participate in the review process as a consulting party. Since then, the Township has experienced significant changes in leadership, including the selection of an entirely new Township Board.

The members of the Township Board believe that the property at issue in the application is vital to the character of the community. As such, the Board feels that it has an obligation to participate in the review process as a consulting party and to ask the Corps to carefully consider the historic and environmental features of the property. Further, the Board believes that it can provide useful information regarding the zoning of the property, which has been discussed at some length in comments submitted by other consulting parties.

### ***Significance to the Community***

To begin, Township leadership agrees with numerous historic societies, conservation groups, and Indian tribes that have commented on the significance of the property in question. This significance is reflected in the Township's primary planning document, the 2016 Tri-Community Master Plan that it developed in conjunction with the City of Saugatuck and the City of the Village of Douglas.

The Master Plan lists "preservation of community character" as one of its primary goals, and notes that "the character of the Tri-Communities is largely a product of its natural environment, nestled on the shores of Lake Michigan and the Kalamazoo River and defined by steep, rolling dunes to the west and lush orchard country and farmland to the east."<sup>1</sup> Some of the most treasured sand

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<sup>1</sup> Tri-Community Master Plan (2016 Update), p 10-4, available at <[https://saugatucktownship.org/kcuTaGuaS/wp-content/uploads/bsk-pdf-manager/masterplan2016\\_117.pdf](https://saugatucktownship.org/kcuTaGuaS/wp-content/uploads/bsk-pdf-manager/masterplan2016_117.pdf)>

dunes in the community are on the land commonly known as the “Denison Property,” which includes the land at issue in this application. The Master Plan refers to the Denison Property by name a number of times, including a statement that all three communities consider it a “top priority” to pursue public acquisition and conservation of the property where possible.<sup>2</sup> Notably, “the part of the property south of the Kalamazoo River was sold . . . in the Fall of 2010 to the City of Saugatuck, with the assistance of the West Michigan Land Conservancy [and is now] used as a public area for low intensity recreational use that will preserve the dune ecosystem and related areas in a natural state.”<sup>3</sup> The present application involves a portion of the Denison Property located to the north of the Kalamazoo River.

The Master Plan recognizes that portions of the Denison Property — and other culturally significant properties along the shores of Lake Michigan and Kalamazoo River — are privately owned and potentially subject to future development. With that in mind, the plan:

Places protection of the natural environment as first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.<sup>4</sup>

Further, the plan recognizes that boating and fishing on the Kalamazoo River is an important part of the community’s cultural heritage, and that the navigability of the river should be an important consideration in any new waterfront development.<sup>5</sup> As other commenters have noted, boating and fishing in this area is not a recent phenomenon, but a cultural thread that links today’s residents to our historical predecessors. The early settlers of the town of Singapore, as well members of the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians of the Gun Lake Tribe, all fished and enjoyed these same waters. Thus, the historical significance of this property is inseparably tied to its natural features and its location along the Kalamazoo River.

As stewards of the community and its natural resources, the Township asks the Corps to recognize the importance of this area to our residents and give due consideration to all the various interests involved. To the extent possible, we would like to see that this and any other project on the waterfront proceeds in a manner that preserves the essential character of the community, including the ability to enjoy recreational uses on the river. Safety concerns relating to navigability in the Kalamazoo River are of the utmost importance to the Board and Township residents. We also recognize the importance of this land to the area’s native peoples, as reflected in the comments submitted by the numerous Indian tribes that are participating as consulting parties. We trust that the Army Corps, with its extensive expertise in navigational, hydrological, and ecological issues, is well-suited to evaluate all of the relevant considerations involved.

### ***Pertinent Zoning Information***

The Township’s prior zoning decisions regarding the North Shores’ proposed development were referenced on several occasions in the comments of other consulting party comments to the

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<sup>2</sup> *Id.* at 13-2.

<sup>3</sup> *Id.* at 10-7.

<sup>4</sup> *Id.* at 8-2.

<sup>5</sup> See *id.* 7-17 and 1-13 through 1-14.



USACE. Accordingly, we believe it might be helpful to provide a summary of these decisions and an explanation of the current zoning status of the property.

In the spring of 2017, North Shores applied for special-use approval for a proposed marina and preliminary planned unit development (PUD) approval for a residential site condominium that would surround the marina basin. The Township Planning Commission considered the applications over a series of three meetings. At its April 2017 meeting, the Planning Commission rendered a decision granting both applications. North Shores then applied for final PUD approval, which was granted in October 2017.

There are a few aspects of the approval proceedings that seem relevant to the Corps' permit considerations. First, as explained in an April 2017 public memo from the Township Attorneys, the Planning Commission proceedings did not include review of the proposed boat-basin excavation, nor did it consider "questions about hydrology, effects on the shoreline and dunes, [or] about the disposal of excess soils." Rather, the Planning Commission reviewed and approved the proposed marina within the boat basin as a land use under the Zoning Enabling Act and the special use criteria in the zoning ordinance. It also reviewed the proposed development as a whole under the zoning ordinance's PUD and site condominium standards. Those criteria are enumerated in the April 2017 attorney memo, which is already part of the Corps' administrative record. In approving North Shores' applications, the Planning Commission determined that all of the applicable criteria were satisfied.

Second, one of the comments in the Corps' administrative record refers to a letter written by the former chair of the Township Planning Commission that purportedly explains "how [a] specific ordinance, 40-910(h), was missed in the review of the proposed marina."<sup>6</sup> This statement warrants clarification to the extent it suggests that the Planning Commission failed to consider Section 40-910(h). The minutes of the April 2017 meeting show that the Planning Commission discussed this provision during the approval process and determined, based on the advice of the Township Attorney, that it did not apply to North Shores' proposed project. A copy of those minutes is attached to this letter, and the relevant discussion can be found on pages 3 and 4.

Third, in granting PUD approval, the Planning Commission waived a number of the requirements of the underlying R-2 zoning. Specifically, the requested waivers were as follows:<sup>7</sup>

1. Minimum lot area under R-2 is 40,000 sq ft; Applicant is seeking proposed minimum lot area of 20,000.
2. Minimum lot frontage under R-2 is 150 ft; Applicant is seeking proposed minimum lot frontage of 100 ft (Cul-de-sac minimum is 40 ft per R-2; Applicant is not seeking a change).
3. Rear yard setback under R-2 is 50 ft for lots larger than 1 acre, 30 ft for lots smaller than 1 acre, and 75 ft for lots on the Kalamazoo River; Applicant is seeking proposed minimum rear year set back of 50 ft.
4. Applicant is proposing set back requirement for accessory buildings of 10 ft from side and rear lot lines.
5. Front yard setback under R-2 is 73 ft from center of road right of way, Applicant is seeking proposed setback of 58 ft from center of road right of way.

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<sup>6</sup> See Coastal Alliance Response to NorthShore of Saugatuck Response to Request for Additional Information File No.: LRE-2010-00304-52-S17-2 (January 22, 2019), p 13.

<sup>7</sup> North Shores' Preliminary PUD Application Materials, section entitled "Proposed Frontage and Setback Variances."

These waivers were designed to facilitate what North Shores described as “cluster development,” meaning that the development would “use a limited and carefully considered amount of land,” while leaving the remaining land in its natural state.<sup>8</sup> Without the waivers, which are discretionary under the Township’s PUD ordinance, North Shores’ desired density could not have been achieved.

Fourth, as other commenters have noted, one of the conditions of the PUD approval requires North Shores to “construct the project, including the marina, in a single phase.”<sup>9</sup> Because the marina depends on the existence of the boat basin, the residential development and other amenities within the PUD cannot be constructed unless the Corps approves the permit for the boat-basin excavation. In fact, another condition of the approval expressly requires North Shores to “obtain all required state and federal permits and approvals to construct the boat basin, including, without limitation, any that are needed from the United States Army Corps of Engineers.”<sup>10</sup> If the Corps denies the requested permit, North Shores would need to obtain a new zoning approval for the property before any development could occur.

Finally, it is worth noting that the Saugatuck Dunes Coastal Alliance (SDCA) has appealed aspects of the Planning Commission’s zoning decisions, and that the cases remain pending. So far, the litigation has focused on whether SDCA is an “aggrieved party” with standing to appeal a zoning decision. Both the circuit court and Court of Appeals held that SDCA lacks aggrieved-party status,<sup>11</sup> and SDCA has sought leave to appeal that decision to the Michigan Supreme Court.

#### ***Comment Regarding Proposed Permit Area***

In light of the zoning history discussed above, the Township concurs with the suggestion of the State Historic Preservation Office and other consulting parties that the Corps expand the proposed permit area to include the upland areas that are proposed (under the PUD approval) for the development of housing units, common area marina-related improvements, and septic fields servicing both housing units and recreational boat pump stations.

33 C.F.R. pt. 325, App. C § (g) requires the Corps to consider the following three criteria when determining whether an activity falls within the “permit area” of a project, all of which must be satisfied:

- (i) Such activity would not occur but for the authorization of the work or structures within the waters of the United States;
- (ii) Such activity must be integrally related to the work or structures to be authorized within waters of the United States. Or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program, and
- (iii) Such activity must be directly associated (first order impact) with the work or structures to be authorized.

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<sup>8</sup> North Shores’ Preliminary PUD Application Materials, section entitled “Design & Construction Leading Practices.”

<sup>9</sup> Saugatuck Township Resolution No. 2017-02 (a copy of this resolution has already been submitted to the Corps by other consulting parties).

<sup>10</sup> *Id.*

<sup>11</sup> See *Saugatuck Dunes Coastal Alliance v Saugatuck Twp*, et al., unpublished per curiam opinion of the Court of Appeals, issued August 29, 2019 (Docket No 342588).

As described above, the Township’s PUD approval requires North Shores to “construct the project, including the marina, in a single phase.” This condition indicates that the marina is essential to the overall project and that the housing units and other related amenities in the PUD cannot be constructed unless the Corps approves the excavation of the boat basin.

In its August 29, 2019 memo analyzing the applicable permit area, the Corps stated:

The upland development activities described . . . above are not within the permit area because they are likely to occur regardless of whether a marina basin is authorized or constructed. The proposed marina basin would not increase the number, or the location and configuration of home sites along the Lake Michigan shoreline and Kalamazoo River entrance channel.

This statement is not entirely accurate, or at least requires further clarification. As described above, when the Planning Commission approved the PUD, it granted a number of waivers to the requirements of the underlying R-2 zoning district. Those waivers were discretionary in nature and effectively allow higher density than what the zoning ordinance would otherwise require. If North Shores cannot proceed with its current PUD approval, the Planning Commission would have to evaluate the merits of any new zoning application, considering the new proposed project as a whole. The Planning Commission would not be bound by prior waiver decisions that were granted in the context of another project. Accordingly, because the denial of a boat-basin permit from the Corps would effectively require new Township zoning approvals, the project that is ultimately approved and constructed could differ substantially from the current proposed project.

***Conclusion***

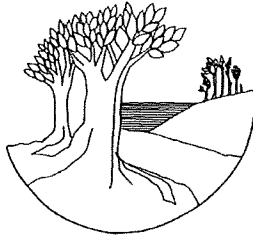
Thank you for your time and attention. As the local unit of government in which the development in question is proposed to occur, Saugatuck Township has a unique interest in this project. It is our goal to advocate for the public interest, respect the historical significance of the Township’s unique heritage, and maintain a strong working relationship with the development community. Please contact me at (269) 857-7721 or [ggraham@saugatucktownship.org](mailto:ggraham@saugatucktownship.org) if I can be of any further assistance.

Sincerely,



Griffin S. Graham  
Township Manager  
Saugatuck Township  
3461 Blue Star Highway  
Saugatuck, MI 49453

Cc: Saugatuck Township Board (via email)  
Nick Curcio, Township Attorney (via email)  
Parties to Section 106 Consultation (via email)



# SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY  
SAUGATUCK, MI 49453

PHONE (269) 857-7721  
FAX (269) 857-4542

December 18, 2020

Charles M. Simon  
Chief, Regulatory Office  
Detroit District, U.S. Army Corps of Engineers  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

**RE: North Shores of Saugatuck, LLC – Proposed Marina  
LRE-2020-00304-52-S17-2**

Dear Mr. Simon:

I am writing at the direction of the Saugatuck Township Board in response to your November 18, 2020 letter regarding North Shores of Saugatuck, LLC's pending application to construct a marina basin in the Township near the mouth of the Kalamazoo River.

In your letter, you described two notable developments in the permit application process for the North Shores project. First, you noted that in an August 30 memorandum, the Army Corps expanded the originally proposed permit area based on comments from federally recognized Indian tribes, the State Historic Preservation Office (SHPO), other consulting parties including the Township. Second, you further noted that, based on a referral from the Army Corps, the Keeper of the National Register has concluded that the Kalamazoo River Mouth Traditional Cultural Property (KRM TCP) qualifies for inclusion on the National Register of Historic Places, which must be taken into account during the Section 106 review process.

The Township appreciates the thoroughness of the Army Corps' review and its willingness to incorporate input from participating parties. The Township is particularly supportive of the Keeper's determination regarding the KRM TCP. As described in my February 28 letter, Township leadership agrees with numerous historic societies, conservation groups, and Indian tribes that have commented on the significance of the property in question. This significance is reflected in the Township's primary planning document, the 2016 Tri-Community Master Plan that it developed in conjunction with the City of Saugatuck and the City of the Village of Douglas.

The Master Plan lists "preservation of community character" as one of its primary goals, and notes that "the character of the Tri-Communities is largely a product of its natural environment, nestled on the shores of Lake Michigan and the Kalamazoo River and defined by steep, rolling dunes to the west and lush orchard country and farmland to the east."<sup>1</sup> Some of the most treasured sand dunes in the community are on the land commonly known as the "Denison Property," which includes the land at issue in this application. The Master Plan refers to the Denison Property by

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<sup>1</sup> Tri-Community Master Plan (2016 Update), p 10-4, available at <[https://saugatucktownship.org/kcuTaGuaS/wp-content/uploads/bsk-pdf-manager/masterplan2016\\_117.pdf](https://saugatucktownship.org/kcuTaGuaS/wp-content/uploads/bsk-pdf-manager/masterplan2016_117.pdf)>

name a number of times, including a statement that all three communities consider it a “top priority” to pursue public acquisition and conservation of the property where possible.<sup>2</sup> Notably, “the part of the property south of the Kalamazoo River was sold . . . in the Fall of 2010 to the City of Saugatuck, with the assistance of the West Michigan Land Conservatory [and is now] used as a public area for low intensity recreational use that will preserve the dune ecosystem and related areas in a natural state.”<sup>3</sup>

The Master Plan recognizes that portions of the Denison Property — and other culturally significant properties along the shores of Lake Michigan and Kalamazoo River — are privately owned and potentially subject to future development. With that in mind, the plan:

Places protection of the natural environment as first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.<sup>4</sup>

Further, the plan recognizes that boating and fishing on the Kalamazoo River is an important part of the community’s cultural heritage, and that the navigability of the river should be an important consideration in any new waterfront development.<sup>5</sup> As other commenters have noted, boating and fishing in this area is not a recent phenomenon, but a cultural thread that links today’s residents to our historical predecessors. The early settlers of the town of Singapore, as well members of the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians of the Gun Lake Tribe, all fished and enjoyed these same waters. Thus, the historical significance of this property is inseparably tied to its natural features and its location along the Kalamazoo River.

As stewards of the community and its natural resources, the Township Board appreciates that the Keeper has recognized the importance of this area to local residents and hopes that the Corps will continue to give due consideration to all the various interests involved. To the extent possible, we would like to see that this and any other project on the waterfront proceeds in a manner that preserves the essential character of the community, including the ability to enjoy recreational uses on the river. Notably, some members of both the Township Board and Planning Commission have expressed a desire to revisit existing Township regulations regarding waterfront development in the coming year. This topic was recently discussed at the Planning Commission’s December 14 meeting, as the Planning Commission considered a proposed wellhead protection ordinance that may provide further regulations for excavating near the Kalamazoo River Basin. Further, the Township Board and Planning Commission are currently in the process of convening a joint meeting in early January where related topics, including potential amendments to the “anti-keyholing provision” in Section 40-910(h) of the zoning ordinance, could be discussed.

Additionally, local residents have voiced significant interest in North Shores’ project and have submitted a number of comments to the Township Board. Most recently, when the Township Board discussed your letter at its December Board meeting, staff received several letters from

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<sup>2</sup> *Id.* at 13-2.

<sup>3</sup> *Id.* at 10-7.

<sup>4</sup> *Id.* at 8-2.

<sup>5</sup> See *id.* 7-17 and 1-13 through 1-14.

residents with various comments and suggestions regarding the Section 106 process. While the Township Board has not specifically considered or endorsed any of the proposals in these letters, Board members expressed a desire that I pass them along for your consideration.<sup>6</sup>

Thank you for your time and attention. As the local unit of government in which the development in question is proposed to occur, Saugatuck Township has a unique interest in this project. It is our goal to advocate for the public interest, respect the historical significance of the Township's unique heritage, and maintain a strong working relationship with the development community. Please contact me at (269) 857-7721 or [ggraham@saugatucktownship.org](mailto:ggraham@saugatucktownship.org) if I can be of any further assistance.

Sincerely,



Griffin S. Graham  
Township Manager  
Saugatuck Township  
3461 Blue Star Highway  
Saugatuck, MI 49453

Cc: Saugatuck Township Board (via email)  
Nick Curcio, Township Attorney (via email)  
Parties to Section 106 Consultation (via email)

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<sup>6</sup> The Township has also received related correspondence from designated representatives of the Saugatuck Dunes Coastal Alliance (SDCA). Since SDCA is also a participating party in the Section 106 review process, we are not including those letters in our enclosure.

## Enclosed Citizen Correspondence

December 9, 2020

To: Saugatuck Township Board

RE: New Business - e) Invitation for Additional Comments on Section 106 Review – North Shores of Saugatuck Marina Development

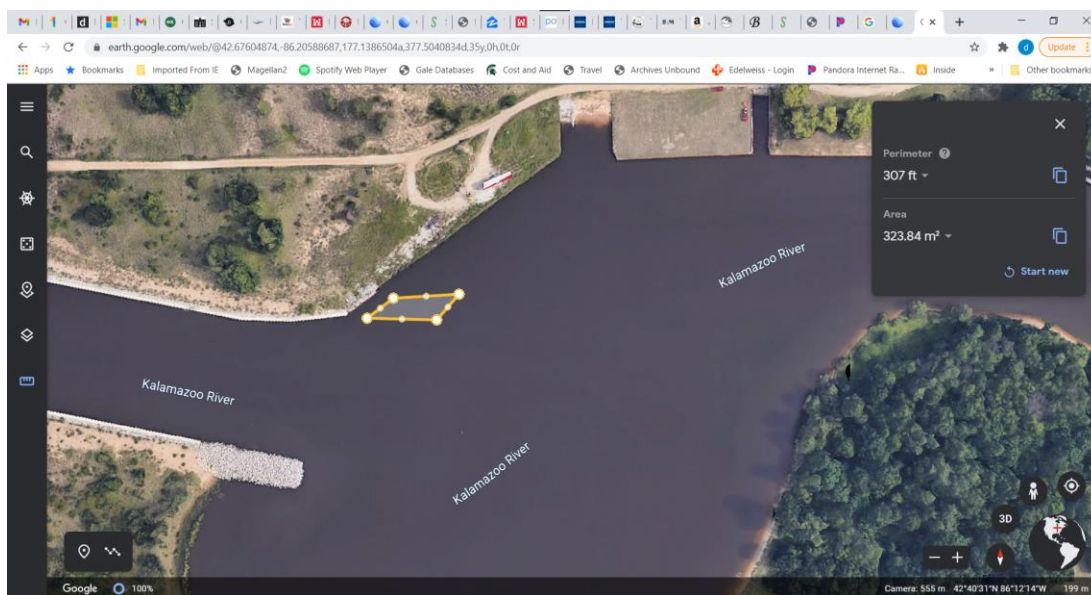
Our family has been taking a boat out the Kalamazoo River Mouth through the channel into Lake Michigan nearly every day that there is open water. We have been doing this for decades. We know the River Mouth area very well. We remain concerned with the concept of a 50-slip marina off the river with no clear sight lines. And as the owners of commercial fishing boats we remain concerned with the environmental impact of the deadend canal design.

This is the second time we have approached the Township asking for support on exploring a balanced solution of providing safe mooring for the boats belonging to NorthShore of Saugatuck, while also protecting the sturgeon and water quality. We are reattaching the letter from January of 2020.

We are encouraging Saugatuck Township to formally support a Least Environmentally Damaging Practicable Alternative of keeping boats in the river. We're asking that tonight you pass a resolution to formally explore a Least Environmentally Damaging Practicable Alternative – there is certainly no harm in exploring the various options.

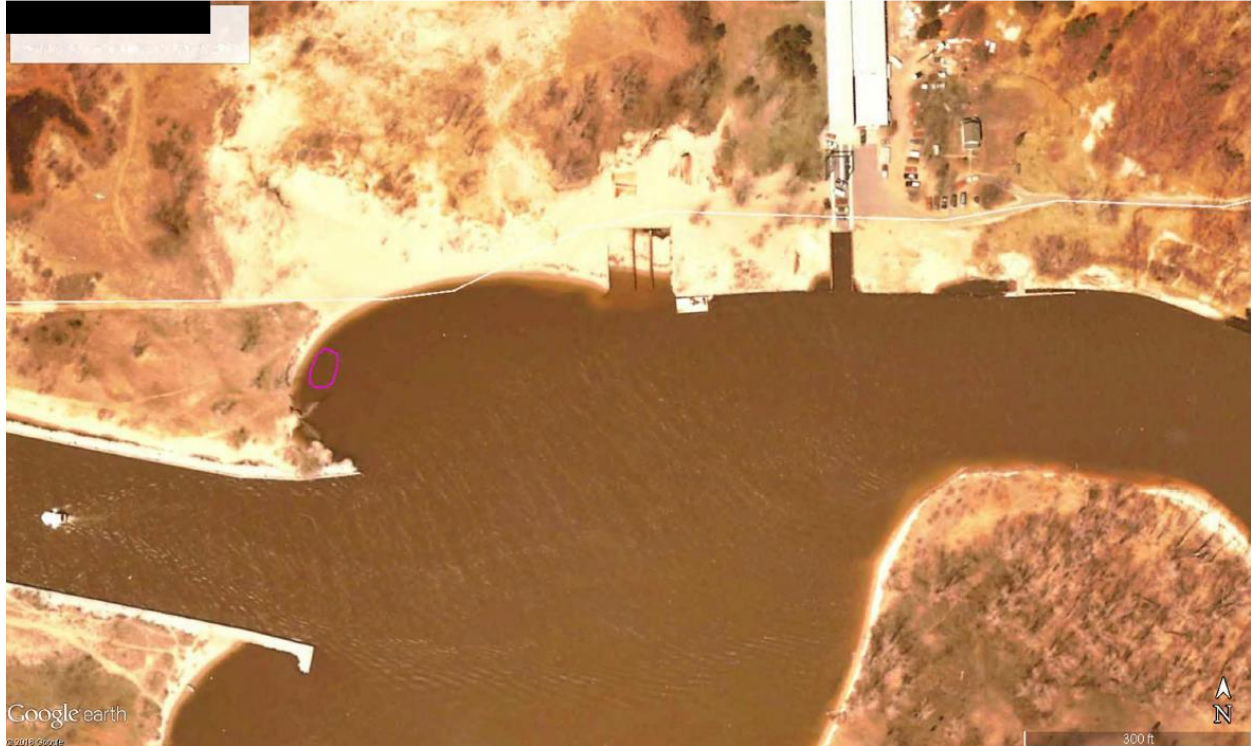
Here are a handful of the things for the board to consider.

One, Saugatuck Township could apply to the USACE to extend the current channel seawall with boulders, like the south side of the channel mouth. The photo from the 1980's shows how extending the channel wall would protect boats moored along the north shore (see further below). Here is a Google Earth image with the possible placement of a stone seawall, similar in size and shape to the one on the south side of the channel.



Two, here is a photo of the Kalamazoo River Mouth Area from the 1980's. Please note how protected the north shore is. It was only with the north shore property owner adding backfill and extending the

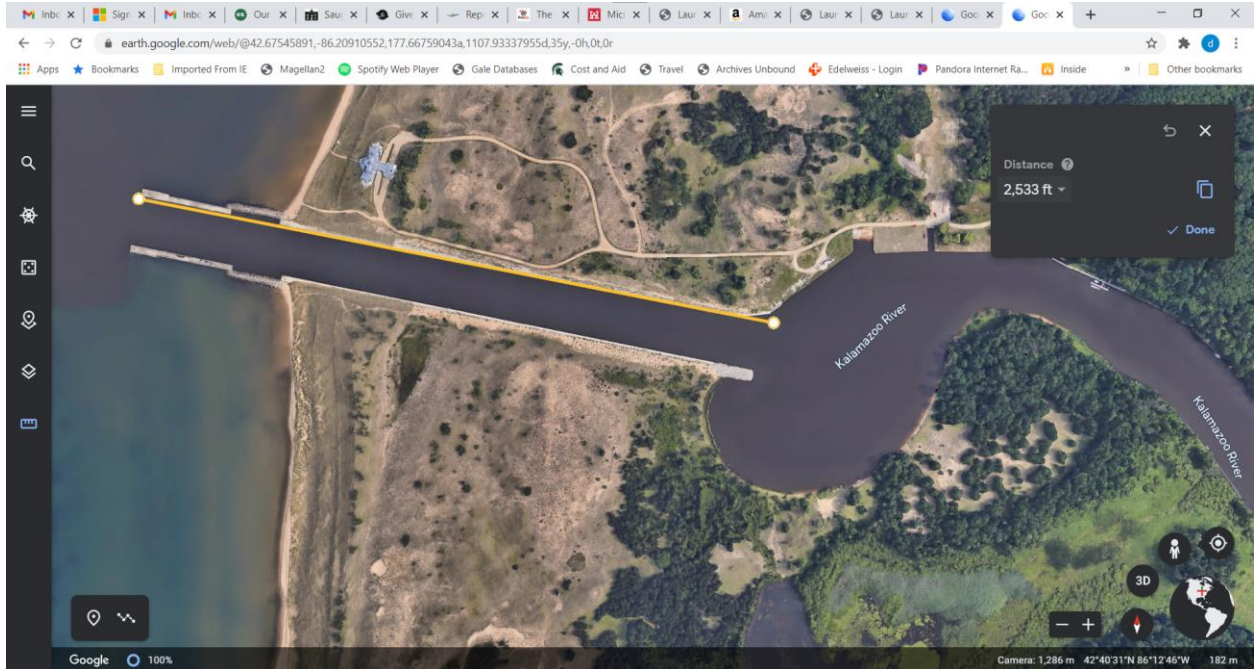
seawall into the river that has made the north shore slightly more open to wave action. This practice of inching out into the river has been done by all the previous owners, as well as the current owner.



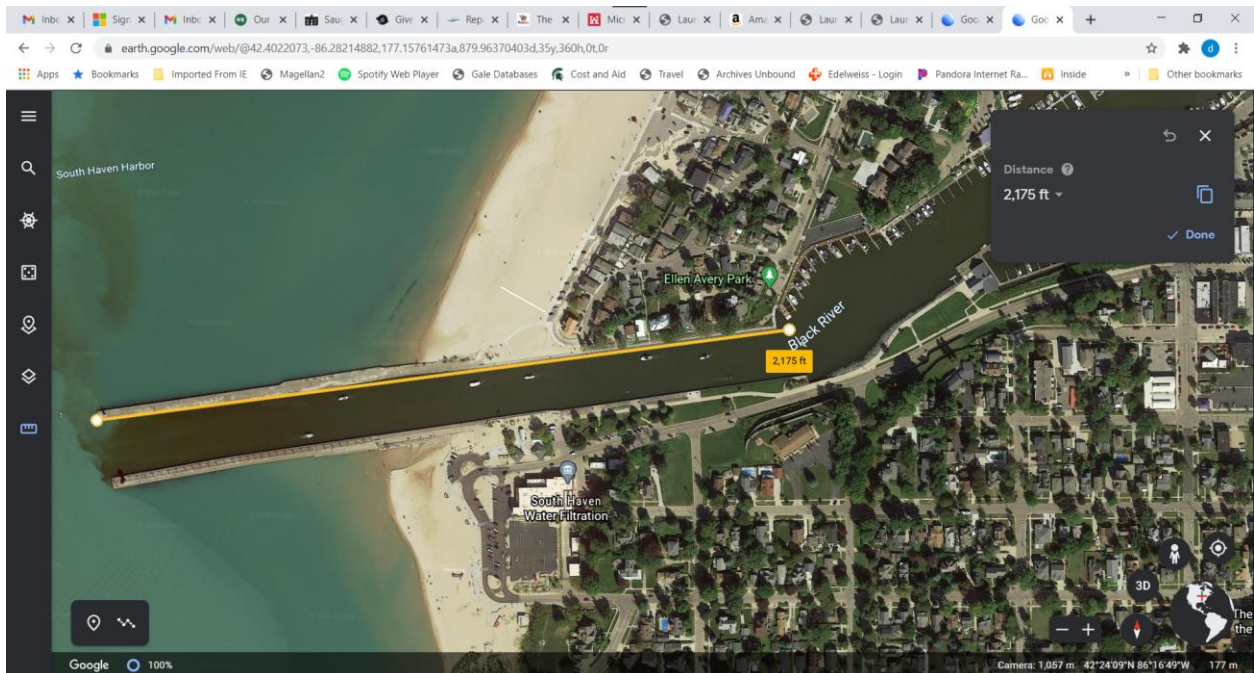
Three, here are images comparing the South Haven channel to the Saugatuck Channel. South Haven has boats at the very end of their shorter channel. It is obviously not difficult to keep boats in the river.

**Kalamazoo River Mouth channel – 2,553 feet**





### South Haven Channel – 2,175 feet



Four, there is plenty of room for NorthShore to also have boats in the river further upstream by their Hawk's Nest house and dugout road. There is even a two track running from Hawk's nest down to their boat house.

Here is a photo of the area along the river by the Hawk's Nest House and Dug Out Road:



Five, keeping boats in the river and spacing them out more, which is entirely possible, is better for navigation, sight lines, and water quality.

We are asking the Township Board to take action tonight by voting to support a Least Environmentally Damaging Practicable Alternative design for the proposed marina at the Kalamazoo River Mouth that would protect boats in the river and protect water quality and sturgeon. The Township could also appoint a Committee to research and advise on potential Least Environmentally Damaging Practicable Alternative marina designs that protect boats in the river while also striving to “avoid, minimize or mitigate potential effects on the TCP.” We would be willing to sit on that Committee.

Protecting water quality and sturgeon would “avoid, minimize or mitigate potential effects on the TCP.” Keeping boats in the river would minimize the potentially catastrophic impacts of excavating a 1600’ long and 200’ wide deadend canal.

Dave Engel  
Liz Engel

December 7, 2020

To; Saugatuck Township Board

From: Neighbors to Pine Trail Camp

RE: USACE request for "Your comments on the project's potential effect of the KRM TCP (Kalamazoo River Mouth Tribal Cultural Property) and any measures you believe are necessary to avoid, minimize or mitigate potential effects on the TCP."

The undersigned own homes and businesses in the neighborhood of Pine Trail Camp and the Van Horn Sand Mining & Pond Operation.

We have read the 12/4/20 letter from the Coastal Alliance to the Saugatuck Township Board.

Two points:

First, we fully support the measures proposed within the letter to "avoid, minimize or mitigate potential effects on the TCP (Tribal Cultural Property)."

Second, we too formally request the Township Board to vote this evening to request the Saugatuck Township Planning Commission clarify the language within Section 40-910(h).

Section 40-910(h) clearly states, "In No Event shall a canal or channel be excavated for the purpose of increasing the water frontage."

A confluence of two recent actions could one day force the Township Planning Commission to review, or once again ignore, this ordinance and how it may further impact our historic neighborhood.

#### **Action One – Proposed Marina at NorthShore of Saugatuck**

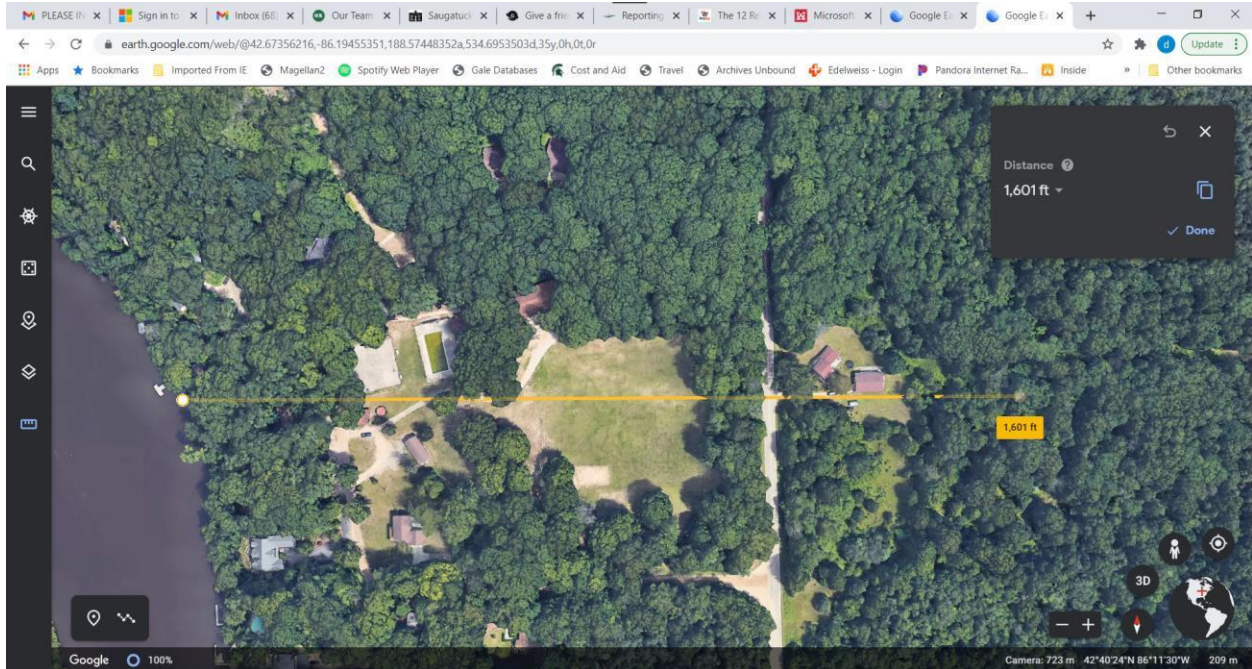
Saugatuck Township refused to enforce Section 40-910(h) as it pertains to the NorthShore of Saugatuck Special Approval Use marina. The Township legal counsel stated in a letter to the Township planning Commission on April 14, 2017, "The developer is not seeking Township approval of the boat basin. The developer is seeking approval from the United States Army Corps of Engineers (USACE), the Michigan Department of Environmental Quality (MDEQ), and the United States Environmental Protection Agency (USEPA) for the boat basin." Thus, Section 40-910(h) was not fully considered as germane to the Special Approval Use for a marina. Section 40-910(h) needs to be enforced as written for all future projects, even if there is concurrent jurisdiction over the project by Federal or State agencies.

#### **Action Two – Van Horn excavation of a Pond**

Saugatuck Township Planning Commission granted an after-the-fact permit to Chad Van Horn, the realtor listing NorthShore of Saugatuck, to excavation a pond.

Please consider:

The Van Horn pond is located within 1600' of the Kalamazoo River. Below is a Google Earth screenshot measuring the distance. 1600' is the same length as the proposed marina at NorthShore of Saugatuck.



The owners of NorthShore of Saugatuck, Peg and Jeff Padnos, own an option on Pine Trail Camp, should it ever go on the market.

If the Saugatuck Township Planning Commission ignored Section 40-910(h), that reads “In No Event, shall a canal or channel be excavated for the purpose of increasing the water frontage” on the NorthShore project, could they ignore the ordinance again if developers approach the Township with a marina project that would connect the Van Horn pond(s) to Pine Trail Camp to the Kalamazoo River? Or if OxBow School of Art were ever sold – could a developer excavate a 1600’ long canal to connect the Ox Bow Lagoon to Lake Michigan, or to the Kalamazoo River?

As neighbors to Pine Trail Camp we formally request Saugatuck Township instruct the Planning Commission to clarify the threshold phrase, In No Event, in Section 40-910(h). Our proposed language is below.

(h)In no event shall a canal or channel be excavated for the purpose of increasing the Water Frontage required by this section. Canals or channels which interface with an Inland Waterway or Lake Michigan and were lawfully in existence as of the effective date of this section may be cleaned and maintained in accordance with applicable laws of the State of Michigan so long as they are not enlarged. **In no event, means never and without exception, including as part of a Special Approval Use and/or Planned Unit Development or any other action requiring a Township, County, State, or Federal permit.**

The purpose of this clarification is to correct the prior mis-interpretation of Section 40-910(h) and to clarify for future projects the existing scope and intention of this section.

Marcia A. Sikora  
3480 Riverside Drive

Scott & Rebekah Wierenga  
6618 Dugout Road

Carol and Roy McIlwaine  
3466 Riverside Drive

Kathi Wallace  
Diane Bily  
Nicholas Wallace  
3524 Dugout Road

John Williams

Frank Alfieri  
Alfieri Family Chiropractic PLLC  
3484 Blue Star Memorial Highway

December 31, 2019

Saugatuck Township Board  
Saugatuck Township Hall  
3461 Blue Star Hwy  
P.O. Box 100  
Saugatuck, MI 49453  
Phone: (269) 857-7721

Dear Saugatuck Township Board Members,

Please consider the document below for Saugatuck Township Board approval at your January 2020 meeting.

We are asking the Township Board to acknowledge the key paragraphs in the Tri-Community Master Plan that detail the Public Interest in protecting the historical, cultural, and ecological resources in the Kalamazoo River Mouth Neighborhood. As is encouraged in the Tri-Community Master Plan, we are also asking the Township Board to support stronger regulatory protections for these resources, specifically the concept of a State Natural River designation and a State Environmental Area for the wetland areas at the River Mouth. Further, we are asking the Township to support the concept of a Least Environmentally Damaging Practicable Alternative, as presented by FreshWater Engineering to the Army Corps of Engineers, as a way to align proposed development in the Kalamazoo River Mouth Neighborhood to the Public Interest detailed in the Tri-Community Master Plan and local zoning.

In the past ten years, Township residents have submitted documents to the Michigan Department of Natural Resources and the Michigan Department of Environmental Quality, now the Michigan Department of Environment, Great Lakes, and Energy, suggesting both a Natural River designation and an Environmental Area designation for the Kalamazoo River Mouth. You may read more about those State designations here:

- [https://www.michigan.gov/dnr/0,4570,7-350-79136\\_79236\\_82211---,00.html](https://www.michigan.gov/dnr/0,4570,7-350-79136_79236_82211---,00.html)
- [https://www.michigan.gov/egle/0,9429,7-135-3313\\_3677\\_3700-10863--,00.html](https://www.michigan.gov/egle/0,9429,7-135-3313_3677_3700-10863--,00.html)

Thank you for your consideration and your on-going support of the Tri-Community Master Plan.

Sincerely,

Dave Engel  
Liz Engel  
Dayle Harrison  
Kathi Bily Wallace

## **Proposed Proclamation**

**Whereas, the City of Saugatuck, the City of the Village of Douglas and Saugatuck Township came together as one community in a series of meetings between 2003 and 2005 to discuss and debate the land use issues that would determine future development decisions; and a significant number of citizens contributed to the process by attending two townhall-style meetings, filling out a survey sent to every home in the tri-communities with a 40+% return rate, by participating in interviews and other meetings; and whereas, the final report, so named the Tri-Community Master Plan, was unanimously approved by City of Saugatuck, the City of the Village of Douglas and Saugatuck Township, as well as the Allegan County Commissioners; and most recently, in 2016, the Tri-Community Master Plan was unanimously reapproved; the Tri-Community Master Plan clearly details what the citizenry and governments of the Tri-Communities, the City of Saugatuck, the City of the Village of Douglas, Saugatuck Township, and Allegan County regard as being in the Public Interest;**

**Whereas, the unanimously approved Tri-Community Master Plan invites cooperative planning among the three municipalities, the City of Saugatuck, the City of the Village of Douglas and Saugatuck Township, with the paragraph:**

These joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.

PG 1-2

**Whereas, Saugatuck Township unanimously approved the Tri-Community Master Plan that clearly states:**

Goal: Guide development in a manner which is orderly, consistent with the planned expansion of public facilities, and strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.

PG 1-4

Preserve open space, farmland, natural beauty and critical environmental areas.

PG 1-4

Policy: Discourage the development of high intensity residential uses along the waterfront.

PG 1-12

Goal: Protect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.

PG 1-12

Policy: Identify development limitations on special environments which classify environments based on their value to the ecosystem, unique attributes, the presence of endangered plant and wildlife species, and other characteristics deemed significant.

PG 1-12

Policy: Encourage acquisition of special environments of significant public value by public agencies or nonprofit conservancy organizations for the purposes of preservation.

PG 1-12

Protection of sensitive lands, such as wetlands, dunes and steep slopes from development. Sensitive lands can be protected by purchase, purchase of easements or development rights, transfer of development rights, donation and regulations.

PG 7-19

Although waterfront lands have high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the "goose that laid the golden egg" will be dead.

PG 8-2

It places protection of the natural environment as first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.

PG 8-2

Sensitive dune ecosystems also occur in the dune areas on either side of the Kalamazoo River mouth at Lake Michigan. This area is planned for protection but details have yet to be finalized.

PG 8-6

The entire Kalamazoo River, including the Saugatuck/Douglas area is designated as an area of particular concern by the DNR. Areas of particular concern are those having scarce resources, unusual scenic beauty, unusual economic value, recreational attractions, or some combination of the above. They are only located in coastal areas. Altering the environment in an area of "particular concern" could have a significant impact on the quality of coastal and Great Lakes waters.

PG 8-6

Several vistas have public values that deserve protection. These include the entry into and exit from Lake Michigan on the Kalamazoo River, the view from Mount Baldhead, the view of the Kalamazoo River from both ends, and approaches to the Kalamazoo River Bridge.

PG 8-26

#### SURFACE WATER USE CONFLICTS

Carrying capacity refers to the physical capacity and intrinsic suitability of water to absorb and support various types of use. Such an analysis is typically performed by an inventory of existing surface water use during weekdays and peak weekends. Data is then examined to match the size of the waterbody and its capacity to assimilate various mixes of use. Such an analysis would



probably reveal there is not much excess capacity for new boat slips in Kalamazoo Lake and River.

PG 8-26

Environmental protection must be a leading principle in making future land use decisions along the waterfront. Environmentally sensitive areas such as sand dunes, wetlands, high risk erosion areas, floodplains, and key woodlands should be protected from unnecessary destruction. Development should complement rather than destroy these areas and their values. By doing so the environmental quality of the air and water will be improved, wildlife habitat will be preserved, scenic values will be protected, and the character of the area will be maintained.

PG 8-26

#### RECOMMENDATIONS TO GUIDE FUTURE USE

In seeking to balance economic development with environmental protection, the concept of carrying capacity should be a major consideration. If the carrying capacity of land or water is exceeded, then activities cannot be undertaken without unacceptable impacts on users, the environment, or both. Impacts can include increased trip times, decreased safety, pollution, loss of open space, and many other considerations. The key is prevention of overuse by limiting intensity of use on adjoining lands and regulating surface water use.

PG 10-3

Failure to consciously protect nonrenewable natural resources exposes a community to unbridled destruction of those resources which are the foundation for an area's character and quality of life. Conservation of natural resources usually focuses on: land, water, minerals, certain soils (such as prime farmland), wetlands, sand dunes, areas supporting an abundance and diversity of wildlife, and unique forested lands. Areas where the land and the water meet are the most important

PG 10-3

Other natural resource areas include sand dunes, wetlands, floodplains, streams, creeks and drains, the Kalamazoo River, Lake Kalamazoo, and areas at high risk of erosion along Lake Michigan. These areas are proposed for very limited future development in keeping with their fragility and importance in buffering Lake Michigan storms, filtering and storing water during periods of flooding, draining stormwater from land, providing habitat for a wide range of plants and animals, and for their wide ranging open space values. Destroying these resources would destroy the essential qualities which continue to attract residents and tourists to the area.

PG 10-4

The northwest corner of the Township, along with the most of the land in Saugatuck west of the Kalamazoo lake should be preserved for public open space and the portion that remains in private ownership should be maintained for low intensity uses (like the art colony and church camp).

PG 10-7

Most of the following strategies focus on preservation of the existing character of the Tri-Communities:

- Protect the natural environment of the area AND Protect the visual quality of and visual access to the waterfront.

PG 13-5

**Whereas, Saugatuck Township’s zoning laws, which reflect the community vision articulated in the Tri-Community Master Plan, state in the Intent and Purpose section of Water Access and Dock Density Regulations:**

ARTICLE XII. - WATER ACCESS AND DOCK DENSITY REGULATIONS

Sec. 40-906. - Intent and purpose.

(a) The township, after extensive deliberations and discussions, has concluded that the use of water resources situated within the township must be considered within the framework of the township's longterm costs and benefits. Further, the township has concluded that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of its Inland Waterways and its portion of Lake Michigan.

(b) Pursuant to its deliberations and discussions, the township has concluded that a lack of regulation regarding the density of Docks on and general access to Inland Waterways and Lake Michigan within or adjacent to the township has resulted in a Nuisance condition and an impairment of irreplaceable natural resources of the township. Further, the lack of regulation is resulting in the destruction of property values and constitutes a threat to the public health, safety and welfare of all persons utilizing these Inland Waterways and Lake Michigan and occupying adjacent properties within the township. Consequently, the township desires to adopt reasonable regulations regarding Dock density and general water access to protect the public health, safety and welfare, as well as the irreplaceable natural resources of the township.

(c) The township has further concluded that regulation of water access and Dock density will help reduce conflicts which occur between residential single-Family use of the waterfront and shared waterfront use.

**Whereas, Saugatuck Township’s anti-keyholing zoning ordinance clearly states in article XII - Water Access and Dock Density Regulations, Section 40-910(h):**

“In no event shall a canal or channel be excavated for the purpose of increasing the Water Frontage required by this section.”

**Whereas, the Saugatuck Township supports the Lower Kalamazoo River Greenway Plan (2019), that states:**

Some of the highest quality habitat and rarest species can be found within a couple mile stretch of the mouth of the Kalamazoo River. There are several parks and preserves, including Saugatuck State Park, Tallmadge Woods, Patricia Birkholz Natural Area, and Saugatuck Harbor Natural Area, where visitors can experience these areas. Protecting and preserving these areas around Saugatuck should be one of the highest conservation priorities along the greenway. However, efforts to make sure that these areas are not overused or abused, should strike a balance between visitation and preservation. Future development on private property should be done in an environmentally friendly manner that is consistent with local zoning and the Tri-Community Master Plan.

PG 57

**Whereas, Saugatuck Township recognizes that Township residents have contacted the Michigan DNR regarding a Natural River designation for the Kalamazoo River Mouth Neighborhood**

**Whereas, Saugatuck Township recognizes that Township residents have contacted the Michigan Department of Great Lakes, Environment, and Energy about an Environmental Area designation for the Kalamazoo River Mouth Neighborhood**

**Whereas, Saugatuck Township has reviewed the Least Environmentally Damaging Practicable Alternative submitted to the USACE by FreshWater Engineering**

**Whereas, Saugatuck Township owns Dugout Road which has more than 750 feet of undeveloped frontage on the Kalamazoo River, and**

**NOW, THEREFORE, be it resolved that we, do hereby proclaim the support of Saugatuck Township in the following:**

**The Least Environmentally Damaging Practicable Alternative submitted to the Army Corps by Freshwater Engineering that balances the Public Interest, as articulated in our unanimously approved Tri-Community Master Plan, and our local Zoning Ordinances;**

**The concept of a Natural River Designation for the portion of the Kalamazoo River Mouth in Saugatuck Township;**

**An Environmental Area Designation for the wetland areas in the Kalamazoo River Mouth Area.**



# SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



3342 Blue Star Highway  
Saugatuck, MI 49453  
269 857-3000 / Fax: 269 857-1228  
E-mail: [info@saugatuckfire.org](mailto:info@saugatuckfire.org)

October 12, 2021

Charles M. Simon, Chief  
Regulatory Office  
Detroit District, U.S. Army Corps of Engineers  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

RE: NorthShore of Saugatuck, LLC – Proposed Marina  
LRE-2020-00304-52-S17-2

Dear Mr. Simon:

I am respectfully writing this letter regarding the comments offered by the Saugatuck Township Board in their August 19, 2021, letter to the U.S. Army Corps of Engineers ("USACE"). The letter references an Alternative Design for the marina proposed at NorthShore of Saugatuck, LLC located in the Township near the mouth of the Kalamazoo River.

Please allow me to offer my opinion in an effort that may help move the project forward and satisfy all stakeholders.

1. The Alternative Design is far less invasive to the environment, requires minimal excavation, and yet appears to meet the purpose of building the marina by providing 43 slips 40' to 80', and 12 more upriver.
2. From a safety perspective, the proposed Alternative Design provides for less density, less structures, which equates to reducing the hazards of fire and explosion from gasoline, diesel fuel, liquid propane gas and fiberglass.

Further, conditions hazardous to life, property or public welfare are reduced. The safety of fire fighters and emergency responders is enhanced.

3. The Saugatuck Township Fire District ("Fire District") is permitted to dock one of our three (3) fireboats in a designated space along the Kalamazoo River adjacent to NorthShores property. This was established by Consent Judgment (Section 40-658(e)) that settled a lawsuit involving the Township and previous developer. The designated space along the Kalamazoo River does not allow the vessel to be secured safely off the seawall. Under certain conditions such as a westerly wind, the seawall becomes untenable, and the vessel(s) will be at risk of severe damage. The Fire District formerly moored its 41' boat near the proposed marina in the existing haul out and would frequently snap 5/8" dock lines under certain weather conditions, thus our concern for long-term mooring there.

The original marina basin design does concern us from a safe and secure mooring aspect. The concern is the wave action that may develop under certain conditions and create untenable conditions in the



# SAUGATUCK TOWNSHIP FIRE DISTRICT

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large basin area. Our Fire District would not moor any of our vessels along the seawall.

The Alternative Design appears to be engineered to limit the force of the wave action. From a public safety perspective, the practicable Alternate Design appears to be viable and may serve the public and all stakeholders better. Our Fire District would feel safe mooring our public safety vessels within the Alternative Design.

4. Another concern is marine growth, specifically milfoil and duckweed. The fire protection water supply source for this development is proposed to be within the marina basin. The fire protection water supply must be pumped from the basin through a distribution system. Will the marina basin provide for the natural flow of water to carry the milfoil and duckweed out to Lake Michigan to reduce the chance of clogging the dry hydrant strainers, or pumpers resulting in the loss of a water supply, or will it become trapped within the marina basin? It is our understanding that the Alternate Design includes an 8' pipe that connects the river with Alternate Design marina that will assist with the flow of water.
5. Both options, whether the original proposal, or the Alternative Design will be required to comply with NFPA 303, the Fire Protection Standard for Marinas and Boatyards.

I acknowledge the Township Boards comment that they lack the expertise to evaluate the feasibility of the design. I am not an engineer, however, as a seasoned veteran boater with 45 years' experience on the water, two Atlantic crossings to Europe, 10 years of cruising the Bahamas, Caribbean, South America, and Europe, I feel I have marina experience to share with stakeholders that may be considered and help move the project forward.

As a point of interest, I just delivered a boat from Grosse Pointe, Michigan to Saugatuck, Michigan. The trip afforded my crew and I to cruise through Lake St. Clair, St Clair River, Lake Huron, the Straights of Mackinac, St. Ignace, and Greys Reef through Lake Michigan to Saugatuck. Each night was spent at a marina that was designed and constructed to extend *out* from the shoreline. Protection from winds and seas (wave action) was achieved with breakwaters and seawall design. Major excavation to construct a marina basin was not common in my extensive travels. In fact, various Michigan marina guides show most marinas are constructed to extend out from the shoreline and not into the land.

Thank you for taking the time to read the letter and I trust the USACE will find the comments useful for the benefit of all stakeholders.

Sincerely,

*Greg Janik*

Fire Chief/Fire Marshal

April 22, 2022

Katie Otanez  
Permit Evaluation Western Branch  
Regulatory Office  
US Army Corps of Engineers, Detroit District  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

Dear Ms. Otanez,

I am writing at the direction of the Saugatuck Township Board regarding North Shore of Saugatuck, LLC's pending application to construct a marina basin in the Township near the mouth of the Kalamazoo River.

Township residents have voiced significant interest in the North Shore of Saugatuck project and have submitted a number of comments to the Township Board. Recently, the Township Board was contacted by a group of concerned residents who are requesting the Township submit comments to the USACE's Public Interest Review. The request from 67 signers is included here as "Exhibit A." The request was accompanied by a letter drafted by the concerned residents to be submitted by the Township to the USACE, included here as "Exhibit B."

While the Township Board has not specifically considered or endorsed any of the proposals in the letter, the Board finds it relevant to share this correspondence with the USACE in their ongoing Public Interest Review.

As the local unit of government in which the development in question is proposed to occur, Saugatuck Township has a unique interest in how this land is used. Our Tri-Community Master Plan, Township Zoning Ordinance, and April 14, 2017 letter are all community documents shared with the USACE and are of significance to the Public Interest Review in this matter. It is our goal to advocate for the public interest, respect the historical significance of the Township's unique heritage, and maintain a strong working relationship with the development community.

Thank you for your time and attention. Please contact me at (269) 857-7721 or [ddefranco@saugatucktownship.org](mailto:ddefranco@saugatucktownship.org) if I can be of any further assistance.

Sincerely,



Daniel J DeFranco  
Township Manager  
Saugatuck Township  
3461 Blue Star Highway  
Saugatuck, MI 49453

Cc: Saugatuck Township Board (via email)  
Nick Curcio, Township Attorney (via email)

# Exhibit A



April 4, 2022

Daniel DeFranco, Operations Coordinator  
Saugatuck Township  
3461 Blue Star Hwy  
P.O. Box 100  
Saugatuck, MI 49453  
Phone: (269) 857-7721

Dear Daniel,

As residents, property owners, and business owners in Saugatuck Township, 67 who have signed this letter, we are writing to request the following:

**A resolution be added as an agenda item on the April 13, 2022, Saugatuck Township Board Agenda** for the Township Board to approve the submission of the attached letter to the United States Army Corps of Engineers (USACE) in their Public Interest Factors Review for **the excavation of a boat basin** associated with LRE – 2010-00304-52-517-2. The letter to USACE should be sent no later than the end of April 2022.

We would like ten minutes on the agenda for a brief presentation and time to answer questions from the Board.

In April 2017, the Saugatuck Township Planning Commission considered two permits for the NorthShore of Saugatuck development: a Special Approval Use for a marina and a site condominium for 23 lots in the Marina Cluster PUD. The Township Planning Commission was advised to consider those two permits with the assumption USACE had already approved a permit to excavate a boat basin. As the Township attorney wrote on April 14, 2017:

**“The developer is not seeking Township approval of the boat basin. The developer is seeking approval from the United States Army Corps of Engineers (USACE), the Michigan Department of Environmental Quality (MDEQ), and the United States Environmental Protection Agency (USEPA) for the boat basin. That application process is lengthy, includes public notices and preempts most local control. Questions about hydrology, effects on the shoreline and dunes, and about the disposal of excess soils will be addressed by the federal and state agencies as part of that procedure. Pg 2**

The Public Interest Factors letter we drafted for the Township to submit to USACE is not reinterpreting the Saugatuck Township Planning Commission’s permit for a Special Approval Use for a marina and a site condominium for 23 lots in the Marina Cluster PUD. The letter is specific to the Public Interest Factors of Conservation, Recreation, Established Land Use Patterns, and Economics in relation to the **excavation of a boat basin** along the waterfrontage within Michigan’s Critical Dune Boundary sandwiched between publicly funded natural areas as proposed in LRE-2010-00304-52-S17-2.

In essence, the Planning Commission separated what they were considering into two timeframes:

- 1) **Before** excavation
- 2) **After** excavation

The two permit applications the Planning Commission considered in April 2017 were **After** excavation. Our suggested comments to USACE are specific to the current timeframe **Before** excavation.

The following are facts in the current timeframe **Before** excavation:

- The proposed excavation area is in an upland area.
- The proposed excavation area is within Michigan's Critical Sand Dune Boundary.
- The proposed excavation area has about 200' of frontage on the 'Inland Waterway' known as the Kalamazoo River. The applicant owns about 1400' of Kalamazoo River waterfrontage in total that is contiguous with the 200' of the proposed excavation area.
- The historic site of Singapore is within the proposed excavation area.
- The excavation area is on private property within 300 feet of the Patty Birkholz Natural Area, one of only twenty in the State of Michigan, and Saugatuck Dunes State Park, one of the only State Parks in Michigan that is designed for quiet nature study and prohibits overnight camping. Immediately to the south of the excavation area is Tallmadge Woods and Saugatuck Harbor Natural Area, both of which are managed as designated Natural Areas.

The proposed letter (attached) asks USACE to make an independent review of the need for the excavation of a boat basin by NorthShore of Saugatuck from the perspective of the overall Public Interest. The proposed letter is neutral in tone. It is not prescriptive. It does not make conclusions. It presents evidence of Public Interest Factors of Economics, Conservation, Recreation, and Land Use as described in the Tri-Community Master Plan and Saugatuck Township's Code of Ordinances. It asks USACE to draw its own conclusions based upon the evidence provided in the letter. This is a similar approach the Township Board took in submitting the three previous letters to USACE.

Thank you

Carol and Roy McIlwaine  
3466 Riverside Drive

Rebekah and Scott Wierenga  
6618 Dugout Road

Mary H. Terzino  
Gregg E. Potter  
3500 Dugout Road

Marcia Sikora  
3480 Riverside Drive

Diane Bily  
Kathi Bily-Wallace  
Nicholas Wallace  
Mike Bily  
3524 Dugout Rd.

Joyce Horath  
Ray Horath

2554 Lakeshore Drive

John Williams  
Marty Fluhrer  
3464 Riverside Drive

Andrew Caruthers  
Ellie Caruthers  
3430 Riverside Drive

Susan Hass  
Mike Haas  
3476 Riverside Drive

David E. Blatt, MD  
David M. Moore, DO  
6173 Bayou Trail

Denise Shipley  
Randy Mellon  
Quentin Shipley-Mellon  
Karley Shipley-Mellon  
Autumn Shipley-Mellon  
April Shipley- Mellon  
3542 Sandra Ln.  
Saugatuck, MI 49453

Patricia Shipley  
3544 Sandra Ln.  
Saugatuck, MI 49453

Liz Engel  
Dave Engel  
3041 Indian Point Rd

Eddie Parach  
Vicki Rosenberg  
445 N Maple Street

Anne Corlett  
Allen Wolbrink  
6206 131st Street

Steve McKown  
Nancy McKown  
2845 Lake Breeze Drive

Don Olendorf

2452 Lakeshore Dr, Fennville, MI 49408

Larry Dickie  
Jane Dickie  
6108 Old Allegan Rd.  
Saugatuck (Township), MI 49453

Russ Harris  
Sandra Harris  
3481 64th Street  
Saugatuck MI 49453

Nico Leo  
2484 Lakeshore Drive

Alfieri Family Chiropractic  
3484 Blue Star Highway,  
Saugatuck, MI 49453

Wendell Garvelink  
Tracy Garvelink  
3513 Keppel Ln  
Saugatuck, MI 49453

Leslie Dokianakis  
6165 Bayou Trail  
Saugatuck Township

Dayle Harrison  
Connie Harrison  
3108 62<sup>nd</sup> Street

Laurie Goshorn  
3512 64th St  
Saugatuck, MI 49453

James Cook  
Kathleen Miller Cook  
3330 Palmer Drive  
Saugatuck, MI 49453

Julie Abel  
Jacqueline Carey  
6544 Bradley Road  
Saugatuck, MI 49453

Philip Sarfaty  
Kate Sarfaty

6516 Riverside Road  
Fennville 49408

Kathryn Sturm  
2579 62nd St  
Fennville MI 49406

Sandra Randolph  
Travis Randolph  
3442 Riverside Drive

Andrew Milauckas  
2885 Lakeshore  
Saugatuck, MI 49453

Nick Cappelletti  
3279 Blue Star Hwy

Andra Stormer  
6404 Sambroek Lane  
Saugatuck, MI. 49453

G. Christopher Clark  
2612 63rd Street

Scott Ploger  
Vaune Ploger  
6348 silver lake dr.

Julie Durum  
Village Clipper (40yrs)  
3484 suite B  
Blue Star hwy

Development house LLC (40yrs)  
Frank Alfieri, DC  
Jane Alfieri  
3484 suite A Blue Star Hwy

Scott Stearns  
Cindy Stearns  
3462 Riverside Drive

\*\$ Original

Concerned Resic

# Exhibit B

**LRE-2010-00304-52-S17-2**

Katie Otanez  
Permit Evaluation Western Branch  
Regulatory Office  
Detroit District, Corps of Engineers  
477 Michigan Avenue  
Detroit, Michigan 48226-2550

Dear Ms. Otanez,

**Subject: Saugatuck Township Comments regarding  
“Impacts to the Public Interest”  
Northshore of Saugatuck’s proposal to *excavate a boat basin*  
Reference LRE – 2010-00304-52-517-2**

Saugatuck Township granted approval to NorthShore of Saugatuck for a Special Approval Use for a marina at the mouth of the Kalamazoo River in May 2017. The area, approximately 18’ deep, 1600’ (.3 miles) long, 200’ wide, that could ultimately house a marina, is currently an upland area within Michigan’s Critical Dune Boundary. Thus, the Special Approval Use (SAU) for a marina is a conceptual use until the United States Army Corps of Engineers (USACE) determines whether the ***excavation of a boat basin as proposed*** meets the criteria for a permit in three reviews – National Environmental Protection Act Review (NEPA), Section 106 Historic Properties Review, and the Public Interest Factors Review.

It is the ***excavation of a boat basin as proposed*** for which Saugatuck Township is submitting the following comments in the USACE Public Interest Factors Review.

Saugatuck Township did not approve, nor deny, the ***excavation of a proposed boat basin***. The applicant did not apply for a Township permit to ***excavate a boat basin***. Saugatuck Township’s lawyer clearly described the difference between the SAU and the ***excavation of the boat basin*** in a letter to the Planning Commission dated April 14, 2017. In that letter the lawyer states, **“The developer is not seeking Township approval of the boat basin. The developer is seeking approval from the United States Army Corps of Engineers (USACE), the Michigan Department of Environmental Quality (MDEQ), and the United States Environmental Protection Agency (USEPA) for the boat basin.** That application process is lengthy, includes public notices and preempts most local control. Questions about hydrology, ***effects on the shoreline and dunes***, and about

the disposal of excess soils will be addressed by the federal and state agencies as part of that procedure.”<sup>i</sup>

USACE considers a different set of regulatory criteria for the **excavation of a boat basin** in its Public Interest Factors Review, than Saugatuck Township did in its Special Approval Use criteria for a marina. These are two distinctly different review criteria.

While Saugatuck Township permitted the concept of a marina as a Special Approval Use, as zoning allowed in 2017, the Township recognizes that the USACE and the Michigan Department of Environment, Great Lakes, Energy (EGLE) have jurisdiction over the **excavation of a boat basin within Michigan’s Critical Dune Boundary**. Saugatuck Township’s Code of Ordinances, the Tri-Community Master Plan, and maps of Future Land Use Patterns do however address **excavation** along the waterfrontage in the Historic Kalamazoo River Mouth Neighborhoods and within Michigan’s Critical Dune Boundaries.

Saugatuck Township, as a Consulting Party in the USACE Section 106 Historic Properties Review, is now submitting the following comments regarding **the excavation of a boat basin as proposed in LRE – 2010-00304-52-517-2** in the USACE Public Interest Factors Review.

The **excavation** of a 1600’ (.3 mile) long, 200’ wide, and 18’ deep boat basin within Michigan’s Critical Dune Boundary, surrounded by publicly funded natural areas, as presented in the USACE August 2017 Public Notice<sup>ii</sup>, is projected to:

- **Decrease** Michigan’s Critical Dune Area by 6.5 acres;<sup>v</sup>
- **Drain** the globally imperiled interdunal wetlands on the Patty Birkholz Natural Area;<sup>vi</sup>
- **Destroy** aspects of the historic site of Singapore;<sup>vii</sup>
- **Potentially damage** the Potawatomi Traditional Cultural Property, by risking lake sturgeon, burial sites, water quality, and wild rice;<sup>viii</sup>
- **Deforest** a significant tree canopy of wooded sand dunes along the Kalamazoo River; <sup>ix</sup> sand dunes that the Michigan Department of Natural Resources recognizes as belonging in the Critical Dune Boundary<sup>x</sup>.



We emphasize that Saugatuck Township, as a Consulting Party in the Section 106 Historic Properties Review, has submitted three letters of support for a Least Environmentally Damaging Practicable Alternative (LEDPA).<sup>xiii</sup> A LEDPA could minimize the projected impacts detailed above to be caused by **excavation**. The Saugatuck Township Fire District has also submitted a letter of support for a Least Environmentally Damaging Practicable Alternative.<sup>xiv</sup>

The financial well-being of Saugatuck Township (as well as that of our Tri-Community partners – the City of Saugatuck and City of the Village of Douglas) relies upon our tourist-based economy.<sup>xv</sup> In turn, the economic flourishing of the Tri-Community relies upon the preservation of our Critical Dunes, our Wetlands, our Forest Canopy, our natural Water Frontage, our Historic Sites, and the Traditional Cultural Property<sup>xvi</sup> – in other words, our historical, ecological, and cultural values. This is especially true within Michigan’s Critical Dune Boundary in the Historic Kalamazoo River Mouth Neighborhoods. Our community has invested more than \$20 million in preserving parks, beaches, dunes, and Natural Areas in the Historic Kalamazoo River Mouth Area.

Saugatuck Township, as ‘a local agency having jurisdiction or interest over’ the excavation of a boat canal, is strongly encouraging USACE to consider the evidence provided in this letter, taken from Established Land Use Maps, the Tri-Community Master Plan, and the Township’s Code of Ordinances. These excerpts describe our tourist-based economy centered on low-impact outdoor recreation in the parks, beaches, dunes, and Natural Areas in the Historic Kalamazoo River Mouth Neighborhoods; or what we view as ‘the market place.’

During the April 2021 Consulting Parties conference call, USACE stated, “we assume that the applicant has conducted the appropriate economic analyses to determine that the project is needed.” However, five months later, in September 2021, the U.S. 6th District Court published an opinion disagreeing with this established presumption made by USACE in Public Interest Factors Reviews.

**Saugatuck Township is, therefore, requesting (in accordance with Section [q] from 33CFR320.4) that the USACE District Engineer overseeing LRE-2010-00304-52-S1-2 make an independent review of the need for the excavation of a boat basin by NorthShore of Saugatuck from the perspective of the overall Public Interest in answering the question, “Is this boat basin needed in the marketplace?”<sup>xvii</sup> And to “make an independent review of the *need* for the project from the perspective of the overall public interest,” especially from the Public Interest Factors of Economics,**

Conservation, Recreation, and Land Use. And finally, to ensure the *excavation of a boat basin* aligns with Saugatuck Township's Code of Ordinances.

You will find included with this request background and supporting documentation organized as follows:

1. Tourism-Based Economy driven by Outdoor Recreation
2. Established Land Use Patterns
3. Economic Contribution of Tourism
4. Ordinances prohibiting *excavation* along the waterfront and within Michigan's Critical Dune Area
5. Overview
6. Endnotes

The comments submitted by Saugatuck Township, 'a local agency having jurisdiction or interest over the particular activity,' should be considered 'as a reflection of local factors of the public interest.'<sup>xviii</sup>

Concerned Residents Original

## 1) TOURIST-BASED ECONOMY DRIVEN BY LOW-IMPACT OUTDOOR RECREATION –

**The Tri-Communities have a 137-year history of deliberately building a tourist-based economy centered on the Preservation and Conservation of Public Open Space in the Kalamazoo River Mouth Area. xix**

**In 1884** the Village of Saugatuck purchased Mt. Baldhead and the lake frontage to the west, which would eventually become Oval Beach. Stairs up the eastside of the dune and a pavilion at the bottom were built to attract tourists to the area.

**In 1920** Thomas Eddy Tallmadge purchased 105 acres of forested dunes surrounding the Ox-Bow School of Art. To protect the school and land, he made arrangements with the City of Saugatuck to preserve the land as green space if the school was not operating.

**In 1936** The City of Saugatuck opened Oval Beach.

**In 1957** the National Park Service did a survey of potential park sites along Lake Michigan. The Park Service study wrote:

“By virtue of its fine beaches (Oval Beach) and scenic hinterlands, Saugatuck has a high public use value.... Immediate steps should be taken to safeguard these values in order to meet the recreation demands of this region.”

**Between 1977 and 1988 local citizens worked to established Saugatuck Dunes State Park and Natural Area.** Saugatuck Dunes State Park grew out of the first major project of the Natural Areas Conservancy of West Michigan (NACOWMI). **In 1977** NACOWMI acquired a 300-acre parcel, known as the Luther-Uhl property, adjacent to the de facto State Park near Saugatuck; de facto because the state had just acquired 550 acres from the Augustinian Seminary that was housed in the Felt Mansion property. The State Department of Corrections kept 40 acres for a prison and gave the remaining land to the Michigan Department of Natural Resources (DNR). The DNR had not yet developed a park plan for this land.

Following acquisition, NACOWMI advocated for the Luther-Uhl land to be protected as a natural area for scientific study. However, when the DNR unveiled their state park plan for Saugatuck, it called for a 1,500 car parking lot on the beach and an off-road vehicle area in the heart of what people had just worked so hard to protect. The local response was immediate and unanimously negative.

The DNR withdrew the plan and allowed the formation of a citizen’s advisory committee to draft a master plan for Saugatuck Dunes State Park. This was the first time a citizens’ advisory committee was entrusted to create a State Park Master Plan. Patty Birkholz, a Parks Commissioner from Saugatuck Township, was appointed Chair of the Committee.

Their plan, which called for low-impact nature study and no overnight camping – a very rare prohibition in the state park system -- was unanimously approved by the natural resource commission.

The Master Plan also detailed expansion plans to include acquiring the Denison property, then known as the McClendon or Singapore Dunes property, now known as the Peg & Jeff Padnos or NorthShore of Saugatuck Property. The expansion plans called for an expanded natural area and a designated historic site where the buried ghost town of Singapore lies.

That plan was unanimously approved by the Natural Resources Commission in **January 1982**. It required until **October of 1988** for the Natural Area – the Luther-Uhl property – to be legally designated a Natural Area. It took those six additional years of citizens working with the conservancy community, the DNR, and the State government to make sure this land was truly protected – ***the way local citizens wanted it protected***.

The DNR received over 100 individual letters in **January 2004** supporting a proposed expansion of the Saugatuck Dunes State Park to include the Denison property (which then became the Singapore Dunes LLC property, and most recently the NorthShore of Saugatuck property) as part of the DNR's Land Consolidation Strategy.

The communities of Saugatuck, Douglas and Saugatuck Township came together in a series of meetings between **2003 and 2005** to discuss and debate the land use issues that would determine future development decisions. The outcome of these meetings was the publication of the 2005 Tri-Community Master Plan. A progressively prescriptive economic vision focused on protecting the Historical, Ecological, and Cultural Values that drive our tourist-based economy.

A significant number of citizens contributed to the process by attending two townhall-style meetings, filling out a survey sent to every home in the tri-communities (with a 43% return rate – unheard of for a survey that required an hour to complete), and by participating in interviews and other meetings. The Master Plan cost nearly \$100,000, took two years to complete, and required well over 10,000 work hours to create. The Master Plan was unanimously approved by Saugatuck, Douglas and Saugatuck Township, as well as by the Allegan County Commissioners.

Following the publication of the Tri-Community Master Plan, the three municipalities put the Policies of the Master Plan into action:

- Placing Tallmadge Woods into a conservation easement in **2007**
- In **May 2010** the voters of Saugatuck Township even passed a millage to tax themselves in order to better support protections on local zoning calling for protection of the natural resources. As Township Trustee Jim Hanson wrote:  
“Today, the pressure the Township faces in maintaining its rules, regulations and ordinances is great. **The Township wants to defend**

**the land use goals in the 2005 Tri-Community Plan** and the equitable treatment of all landowners. The only alternative to this defense is to abandon those good public policy goals that most residents of the area support, and allow the litigator with the deepest pockets to win every time.”

- Assisting in the \$20 million public acquisition of the Saugatuck Harbor Natural Area **in 2009**. A grant of \$10.5 million from the Michigan Natural Resources Trust Fund was the largest public grant ever extended by this state fund.

**In 2010** local organizations applied to have the Wild Heart of Saugatuck, which is the Saugatuck Dunes in the Historic Kalamazoo River Mouth Neighborhood, added to the National Trust for Historic Preservation’s annual list of America’s 11 Most Endangered Places. Lana Pollack, former Chair of the Natural Resources Trust Fund Board, submitted the following letter to the National Trust to Historic Preservation in support of the designation, primarily in hopes of protecting the state’s investment:

“My own valuation of this area is best demonstrated by the recent MNRTF decision to grant \$10.5 million to protect a portion of the land now representing a significant part of this application. The grant approved in December 2009 is one of the largest MNRTF has ever made and is a particularly impressive commitment given the intense competition from other worthy applicants that year. Support for the grant did not come easily, but not because of a questioned worth of the project – 171 acres of critical dunes with globally imperiled interdunal wetlands, habitat that is home to several threatened and endangered species. The project’s value was undoubtedly enhanced by its immediate proximity to Saugatuck’s Oval Beach, the Saugatuck Lighthouse Cottage and the Ox-Bow School of Art. Although MNRTF is focused on saving natural landscapes, we also recognized in this case the historic and cultural context of the particular 171 acres that our grant was supporting.

**“The designation that we now seek from the National Trust for Historic Preservation is needed because of the threat of development on the parcel immediately north of the Saugatuck Harbor Natural Area.** The current proposal calls for a major marina development with a suggested nine story hotel, restaurants, retail businesses as well as a 70 slip marina near the site of the buried ghost town of Singapore – all prohibited by current zoning. *If completed, the proposed development’s impact on MNRTF’s investment of \$10.5 million still leaves me concerned that our public investment may become mostly the enhanced viewscape for a commercial development.*

*“Fortunately, the history of preservation of the Saugatuck Dunes is strong. In the 1940’s the State of Michigan looked at constructing a State Park at the mouth of the Kalamazoo River. In the 1950’s the National Park Service surveyed the Saugatuck Dunes for its potential as a National Lakeshore. In the 1980’s area*

*citizens worked together to draft the Master Plan for the Saugatuck Dunes State Park and Natural Area. This followed the initial plan from the state DNR that called for paved roads and a parking plot on the beach, which was met with near unanimous resistance. Since that time several additional key parcels have been placed into conservation easements or turned into parks; historic buildings have been acquired by the local Historical Society; and progressive planning has established a Lakeshore Open Space District designed to better protect the historic and ecological treasures along the river and lakeshore.*

*“It was with this in mind – the long and determinedly fought history of protecting the Saugatuck Dunes – that I felt comfortable urging MNRTF to award the \$10.5 million grant. The tenacious commitment of the local community to protect the Saugatuck Dunes’ many historic, cultural and ecological resources ultimately held more sway than the threat of a developer’s legal war chest to overturn protective zoning controls.”*

**In 2016** the updated Tri-Community Master Plan was released. The priority among the three municipalities remains:

“Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.” Pg 13-2, 2005 Edition and 2016 Edition

## 2) ESTABLISHED LAND USE PATTERNS –

The 137-year history of deliberately building a tourist-based economy centered on the Preservation and Conservation of Public Open Space along the lakeshore, the dunes, and in the Historic Kalamazoo River Mouth Neighborhoods has led to the following Established Land Use Patterns xx

Saugatuck Dunes State Park –  
Established 1982. 1000 acres  
(including the Natural Area)

Patty Birkholz Natural Area –  
Established 1988. 300 acres

Tallmadge Woods purchased in  
1920 to protect Ox-Bow from future  
development. Placed into a  
permanent Conservation Easement  
in 2007. 100 acres

Saugatuck Harbor Natural Area –  
acquired for \$20M 2010.  
177 acres

Oval Beach –  
Established in 1932. 50 acres

Mount Baldhead Park – established  
in 1886. 100 acres



Our 2005 and 2016 Tri-Community Master Plans are very specific in describing the economics behind the Public Interest in maintaining the ‘public uses to which the area is suited.’

“The northwest corner of the Township, along with most of the land in Saugatuck west of the Kalamazoo lake should be preserved for public open space and the portion that remains in private ownership should be maintained for low intensity uses (like the art colony and church camp).” Pg 10-7, 2005 edition

**“Although waterfront lands have a high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the “goose that laid the golden egg” will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.” Pg 8-1 – 8-2, 2005 Edition and 2016 Edition**

The 300-acre Patty Birkholz Natural Area is immediately adjacent to the proposed boat basin **excavation**. It is one of only 20 legally designated Natural Areas in the State of Michigan. The Master Plan for Saugatuck Dunes State Park and Patty Birkholz Natural Area calls for low-impact nature study and no overnight camping – a very rare prohibition in the state park system – was unanimously approved by the Natural Resource Commission in 1988. The parking lot was situated to be as far from the Natural Area as possible to ensure no noise, vibrations, glare, or fumes would be introduced into this sanctuary.

The Master Plan also included detailed expansion plans that included acquiring the Denison property, then the McClendon or Singapore Dunes property, now the Peg & Jeff Padnos or NorthShore of Saugatuck Property. The expansion plans called for an expanded natural area and a designated historic site where the buried ghost town of Singapore lies.

Most recently, Saugatuck Township’s Rural Character and Natural Resources Committee has been considering two Overlay Districts in the Historic Kalamazoo River Mouth Area – a Natural River Overlay District and a Historic District. The Natural River Overlay District would be an extension of the Overlay District further upriver. Marinas are not a permitted Special Approval Use in a Natural River Overlay District. The Historic District is in response to the Ethnographic Report for the Match E Be Nash She Wish Band of the Pottawatomi and the Letter of Determination from the Keeper of the National Register of Historic Places that the River Mouth Area overwhelmingly meets the criteria as a Traditional Cultural Property.

Below is the Future Land Use Map from the 2016 edition of the Tri-Community Master Plan. It clearly shows the Community interest, or Public Interest, in preserving the Historic Kalamazoo River Mouth Neighborhoods.

The Tri-Community Master Plan explicitly states, **“A future land use map and plan expresses local land use goals and policies and provides a land use scenario which a**

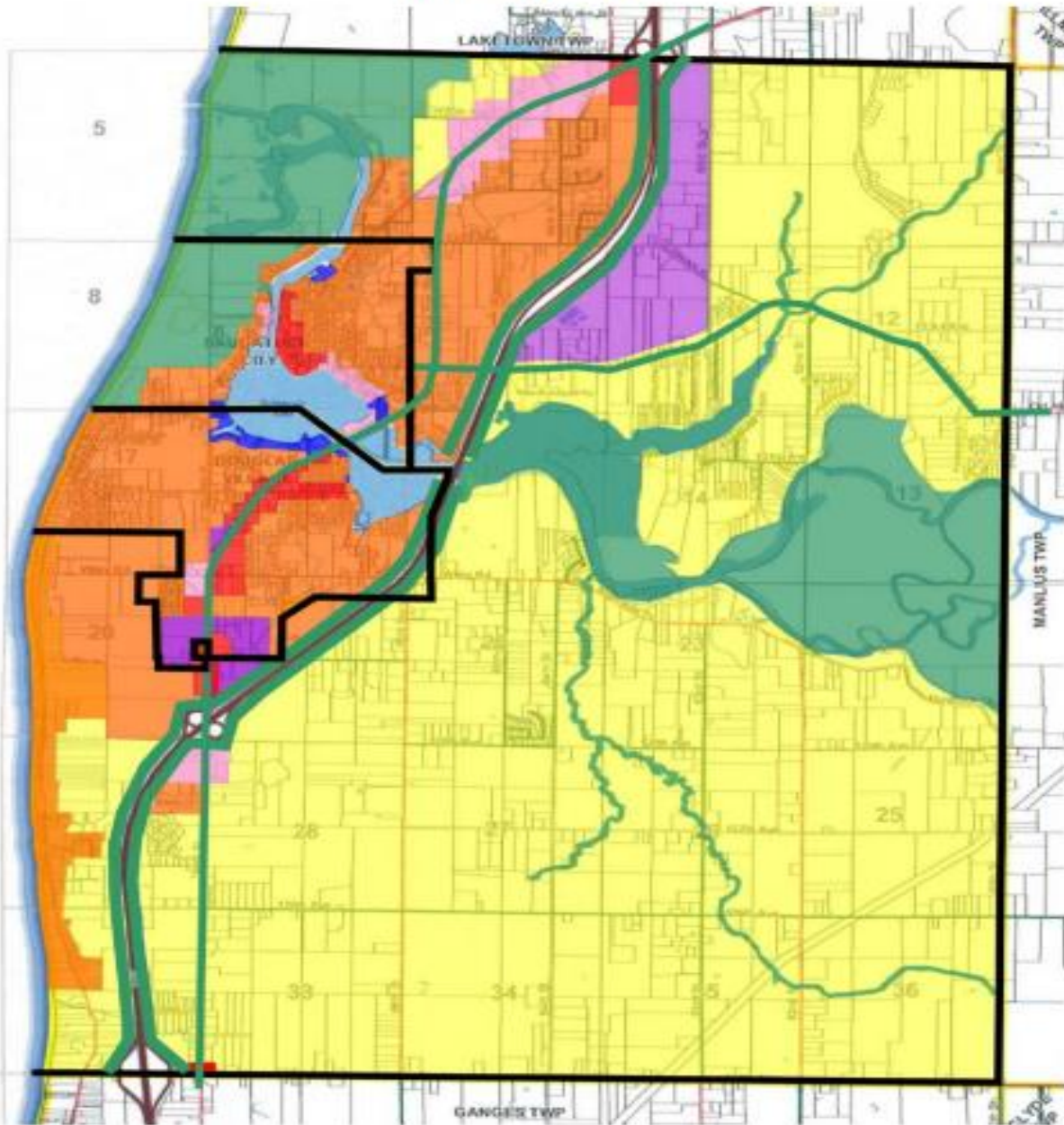


community may use as a physical guide. Goals and policies, in turn, drive land use and development decisions.” Pg 10-1, from the 2016 edition.

Concerned Residents Original

Map 10-1

### Future Land Use Map



**Legend**

- Rural Low Density Single Family Residential/Agricultural
- Medium to High Density Single and Multi-Family Residential
- Mixed Use Residential/Commercial
- Waterfront Mixed Use

- Commercial
- Industrial
- Greenspace, Preserve
- Highway Buffer

Tri-Community Master Plan Update

2016

10-2

### 3) ECONOMIC CONTRIBUTION OF TOURISM –

**The Tri-Communities have articulated in the Master Plan the economic Public Interest in keeping the Historic Kalamazoo River Mouth Neighborhoods for ‘low-impact development’ or Public Open Space xxii**

Saugatuck Township recognizes the excerpts from the Tri-Community Master Plan further below ‘as a reflection of local factors of the public interest.’ The following two excerpts emphasize the overwhelming Public Interest articulated in the Master Plan.

“The response rate to the first survey of 43% and 40% to the second survey was very high considering the length (about 1 hour completion time) and type of survey: **thus responses are believed to represent the majority view in each community.**” Pg 1-1, 2016

“**These joint goals and policies are premised on a pledge by Saugatuck Township, the City of Saugatuck, and the City of the Village of Douglas to mutually cooperate in guiding future development to advance a common vision. It is intended that these goals and policies be consulted when considering future land use decisions within an individual jurisdiction, as well as those decisions that affect the interests of more than one jurisdiction.**” Pg 1-2, 2016

The following excerpts from the Tri-Community Master Plan are a ‘reflection of local factors of the Public Interest.’ From the perspective of Saugatuck Township, these excerpts represent the majority view of the community. These excerpts should help in the USACE determination as to whether the *excavation of the boat basin, as proposed*, is ‘Contrary to the Public Interest.’

**Goal:** Guide development in a manner which is orderly, consistent with the planned expansion of public facilities, and **strives to preserve the scenic beauty, foster the wise use of natural resources, protect environmentally sensitive areas, and enhance the special character of the Tri-Communities.** Pg 1-4, 2016

**Policy:** Insure compatible land use planning and zoning across municipal borders and minimize land use conflicts by separating incompatible uses and requiring buffers where necessary. Pg 1-5, 2016

**Policy:** Support efforts to **foster tourism by preserving the scenic beauty of the environment**, expanding recreation opportunities, improving tourist attractions,

**preserving the historic character of the communities through the preservation of historic structures**, expanding cultural and arts opportunities and encouraging development of promotional materials which highlight the attractions of the Tri-Communities. Pg 1-6, 2016

**Goal: Encourage planning efforts based on the understanding, knowledge and respect for the Tri-Community's historical and cultural resources.** Pg 1-10, 2016

**Policy: Discourage the development of high intensity residential uses along the waterfront.** Pg 1-12, 2016

**Goal: Protect special environments and open spaces, including but not limited to sand dunes, wetlands, and critical wildlife habitat, from the harmful effects of incompatible development activity by limiting the type and intensity of land development in those areas.** Pg 1-12, 2016

**Policy: Identify development limitations on special environments which classify environments based on their value to the ecosystem, unique attributes, the presence of endangered plant and wildlife species, and other characteristics deemed significant.** Pg 1-12, 2016

**Policy: Encourage acquisition of special environments of significant public value by public agencies or nonprofit conservancy organizations for the purposes of preservation.** Pg 1-12, 2016

**Policy: Prepare and maintain a subarea plan for the Oxbow Peninsula including the "Denison Property".** Pg 1-12, 2016 [NOTE: the Denison Property is the NorthShore of Saugatuck Property.]

**Policy: Promote the preservation of open space and natural areas, as well as limited, carefully planned development along the Kalamazoo River, Kalamazoo Lake, Silver Lake, Goshorn Lake, and Lake Michigan and connecting streams, creeks, and drainage ways to protect and enhance the scenic beauty of these waterfront areas.** Pg 1-13, 2016

In 2002 the City of Saugatuck completed a strategic plan for purposes of future growth and development and efforts involved an examination of local tourism and public opinion. The following data was secured from the plan's survey of visitors to the area, and provides useful information considered applicable to

each of the Tri-Communities when **considering economic and recreational impacts on the area.**

• **Activities - beach (40%), dune rides (12%), and boating (11%)**  
**Spending Patterns - \$500 to \$599 (median range), 15% spend +\$1,000. Pg 2-8, 2016**

**The primary reasons people visit or live in the three communities are to enjoy the scenery** and recreational opportunities and to live in a picturesque, safe place while they commute to nearby (or distant) urban centers. Beach recreation, boating and other water activities, shopping, art galleries and enjoying the scenery are the primary attractions for both tourists and year-around residents. While agriculture, industry and tourism are important economic sectors represented in the Tri-Communities, **tourism is king.** Pg 3-1, 2016

Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. **In particular, the wooded sand dunes along the Kalamazoo River and Lake Michigan, and those buffering adjacent uses from I-196, are especially important. They should be managed to insure their long term existence.** Pg 4-23, 2016

A large portion of the lakeshore both north and south of the mouth of the Kalamazoo River is undeveloped or very sparsely developed. A portion of this segment of shoreline is in public ownership as Oval Beach Park. In 2011 the City of Saugatuck completed its acquisition of the 173 acres of natural dunes and 3,650 feet of undeveloped Lake Michigan shoreline, formerly owned by the Denison family, between the south Kalamazoo River pier and Oval Beach City Park. This was made possible through a partnership between the City; the Land Conservancy of West Michigan; a \$10.5 million grant from the Michigan Natural Resources Trust Fund; The Nature Conservancy; The Conservation Fund; and generous private donors. **The Saugatuck Harbor Natural Area, as it is now called, is open year round for low impact uses such as hiking, fishing, bird watching and beach combing.** Pg 5-7, 2016

The Tri-Community area is rich in cultural, and historical points of interest and many archaeological sites can be found throughout the area. **Leading economists and forward-thinking governmental leaders have recognized the social and economic value of promoting and preserving cultural and historic assets.** The state of Michigan has made community cultural; planning a key part of several of its most publicized and marketed economic development strategies: the “smart growth”; “heritage/cultural tourism”; and “cool cities” initiatives. Pg 5-9, 2016

Archaeological sites are of particular scientific value to the fields of anthropology, ecology and biology, and may have historic or ethnic significance as well. There are 120 archaeological sites scattered throughout the Tri-Community area, mostly related to Ottawa and Potawatomi cultures. Their exact locations have not been disclosed by the Bureau of History to protect them from exploitation. One of these sites, the Hacklander Site, located in Section 23 is listed on the National Register of Historic Places and has components representing Middle and Late Woodland periods. **A second important site is the old Singapore site located at the north edge of the “new” (1906) harbor channel. Recipients of Federal assistance must ensure that their projects avoid damage or destruction of significant historical and archaeological resources.** The Michigan Bureau of History reviews these projects to assess their impact on archaeological sites. Pg 5-11, 2016

**Parks, recreation, and open space are essential to the quality of life of area residents, and are an important component of the local tourist economy.** They enhance property values, as well as physical and psychological well-being. Pg 7-1, 2016

**Parks and open space define the character of the Tri-Communities, create the scenic atmosphere which stimulates tourism,** and provide the basis for popular local leisure activities. Pg 7-1, 2016

According to the 2004 community opinion survey, following was the response to the question of whether the respondent would support the additional recreation-related activities even if it meant an increase in general property taxes. The greatest support among recreation-related topics was for better water quality with 62.5 %, bike lanes/pathways with 60.5% support and **parks and recreation at 50.9%. When citizens express a willingness to pay higher taxes for a service that is very significant.** Pg 7-18, 2016

Recreation is important to the Tri-Communities and the visual experience of the community is tied to the recreational experience. Residents like to live in the Tri-Communities, in part, because it is a uniquely attractive location. **Tourists visit and spend money in the Tri-Communities based in part on the visual experience. Natural features and open spaces are important components of the Tri-Communities,** contrasting with the concentrated, developed areas of the City of Saugatuck and the City of the Village of Douglas. The compact, strong identities of the City and Village are enhanced when natural, open spaces surround the two communities. Water is one of the natural features surrounding the City and Village and helping to give them form and identity. Wetlands, woodlands, farms and parks are other existing natural features that currently contribute to natural open space. Pg 7-18, 2016

Tourists have always been attracted to the area, but tourism is now the number one economic activity. Consequently, how the waterfront is used will be of crucial importance to the future of the Tri-Community area. Pg 8-1, 2016

Although waterfront lands have high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and Tri-Community Master Plan Update large wetland areas. Should these natural areas be greatly damaged or destroyed through inappropriate development, then the "goose that laid the golden egg" will be dead. It is essential that the natural beauty of the waterfront be maintained along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland. Pg 8-1 – 8-2, 2016

This Plan seeks to define a balance between competing uses. It places protection of the natural environment as first and foremost in making future land use decisions along the Lake Michigan and Kalamazoo River waterfronts. The ultimate goal is to minimize disruption of the natural environment so that new development and redevelopment is in harmony with the environment, rather than in conflict with it. *Alteration of existing natural features should be very limited, and with mitigation to provide the same values and functions nearby.* Pg 8-2, 2016

Under the state Wilderness, Wild, and Natural Areas Program (Part 351 of the Natural Resources and Environmental Protection Act of 1994), the DNR is charged with identifying, dedicating and administering wilderness, wild and natural areas. Within the Saugatuck region, the DNR has dedicated the Saugatuck Dunes Natural Area to protect the unique dune ecosystem of open dunes, blowouts, interdunal wetlands and wooded dunes, Pitcher's Thistle occurs within the area and is listed as a threatened species by both the state and federal government. The Saugatuck Dunes Natural Area is within Saugatuck Dunes State Park. **Sensitive dune ecosystems also occur in the dune areas on either side of the Kalamazoo River mouth at Lake Michigan. This area is planned for protection but details have yet to be finalized.** Management would likely be the responsibility of the City of Saugatuck, Saugatuck Township and the State Park. The entire Kalamazoo River, including the Saugatuck/Douglas area is designated as an area of particular concern by the DNR. **Areas of particular concern are those having scarce resources, unusual scenic beauty, unusual economic value, recreational attractions, or some combination of the above.** They are only located in coastal areas. **Altering the environment in an area of "particular concern" could have a significant impact on the quality of coastal and Great Lakes waters.** Pg 8-6, 2016

**As has been emphasized throughout this Plan, the natural beauty of the waterfront has much to do with the attraction of the Tri-Community area.** Pg 8-25, 2016

**Several vistas have public values that deserve protection. These include the entry into and exit from Lake Michigan on the Kalamazoo River, the view from Mount Baldhead, the view of Kalamazoo Lake from both ends, and approaches to the Kalamazoo River Bridge.** Pg 8-25, 2016

#### **RECOMMENDATIONS TO GUIDE FUTURE USE**

**In seeking to balance economic development with environmental protection, the concept of carrying capacity should be a major consideration. If the carrying capacity of land or water is exceeded, then activities cannot be undertaken without unacceptable impacts on users, the environment, or both.** Impacts can include increased trip times, decreased safety, pollution, loss of open space, and many other considerations. The key is prevention of overuse by limiting intensity of use on adjoining lands and regulating surface water use.

**Environmental protection must be a leading principle in making future land use decisions along the waterfront. Environmentally sensitive areas such as sand dunes, wetlands, high risk erosion areas, floodplains, and key woodlands should be protected from unnecessary destruction.** Development should complement rather than destroy these areas and their values. By doing so the environmental quality of the air and water will be improved, wildlife habitat will be preserved, scenic values will be protected, and the character of the area will be maintained. Some new intensive shoreline development will be desirable and necessary, but the balance should not be disproportionately on the side of new tax base as it has been for the past three decades. Opportunities to enhance the waterfront should be seized. **Parks and open spaces should eventually be linked with other public places.** Pg 8-15 – 8-26, 2016

Protection mechanisms, like the **Natural River designation, should be recognized for the ancillary benefits they bring to the community.** Pg 8-26, 2016

Good land use planning is essential to the future quality of life in the Tri-Communities. Actual future land uses are difficult to predict and guide to achieve desired results. **A future land use map and plan expresses local land use goals and policies and provides a land use scenario which a community may use as a physical guide. Goals and policies, in turn, drive land use and development decisions.** Pg 10-1, 2016

The following planning and design principles are the technical foundation in support of the proposed land use arrangements graphically depicted on the Future Land Use Map. These principles are consistent with the goals and policies



in Chapter 1 and should remain the basis for reviewing any subsequent changes to the proposed Future Land Use Map. These planning principles are:

- Protection of public health and safety
- **Conservation of natural resources**
- **Environmental protection**
- Minimizing public service costs
- Efficiency and convenience in meeting land use needs
- **Ensuring compatibility between land uses.**

Pg 10-1, 2016

#### **Conservation of Natural Resources**

Failure to consciously protect nonrenewable natural resources exposes a community to unbridled destruction of those resources which are the foundation for an area's character and quality of life. Conservation of natural resources usually focuses on: land, water, minerals, certain soils (such as prime farmland), wetlands, sand dunes, areas supporting an abundance and diversity of wildlife, and unique forested lands. **Areas where the land and the water meet are the most important. Indiscriminate land subdivision frequently reduces the size or alters the shape of land, thereby compromising the resource value and production potential of those lands.** This occurs frequently in prime agricultural areas and once lost, these lands may never be reclaimed for food production purposes. If widespread, such losses can dramatically alter the character of an area. These changes reflect lost opportunities – usually higher public service costs and gradual degradation of an area's tourism potential.

#### **Environmental Protection**

This principle aims at preventing pollution, impairment or destruction of the environment. While there is considerable overlap with natural resource conservation issues, environmental protection measures focus primarily on air and water quality, and **the impact of activities where the water meets the land.** Environmental quality is best preserved by planning for appropriate land use activities in and near sensitive environmental areas, and managing development accordingly. Pg 10-3, 2016

#### **Ensuring Compatibility Between Land Uses**

**A central objective of land use planning is to locate future land uses so that they are compatible with one another. This prevents future nuisance situations between adjacent land uses, such as loud sound, ground vibrations, dust, bright lights, restricted air flow, shadows, odors, traffic, and similar impacts.** Pg 10-4, 2016

Other natural resource areas include sand dunes, wetlands, floodplains, streams, creeks and drains, the Kalamazoo River, Lake Kalamazoo, and areas at high risk of erosion along Lake Michigan. **These areas are proposed for very limited**

**future development** in keeping with their fragility and importance in buffering Lake Michigan storms, filtering and storing water during periods of flooding, draining stormwater from land, providing habitat for a wide range of plants and animals, and for their wide ranging open space values. **Destroying these resources would destroy the essential qualities which continue to attract residents and tourists to the area.** If conserved and wisely used, waterways and farms will become a natural greenbelt system that continues to enhance the area for years to come. Local zoning ordinances should be reviewed to ensure they include adequate conservation practices. Pg 10-4, 2016

The R-3 Lakeshore Residential Zoned District is **that area of the township where controls are placed upon the use and development of areas adjacent to the shoreline of Lake Michigan so as to preserve the shoreline as a natural resource to prevent and/or control erosion and to maintain the aesthetic qualities of the area.** Pg 10-12, 2016

#### **All Three Jurisdictions Together**

- **Public acquisition of the Denison property on both sides of the Kalamazoo River is the top priority for the Tri-Communities.** Pg 13-2, 2016

#### **KEY STRATEGIES TO BE IMPLEMENTED**

While the above priority initiatives are being implemented, the matters that come before planning commissions and governing bodies month-to-month will permit many opportunities to implement key policies in this Plan (see policies in Chapter 1). Following are key strategies that should be implemented at every opportunity through local zoning, subdivision regulations and capital improvement programs. Many may first require updates to existing Zoning Ordinances. Most of the following strategies focus on preservation of the existing character of the Tri-Communities:

- **Protect the natural environment of the area AND Protect the visual quality of and visual access to the waterfront.** Pg 13-5, 2016

**Saugatuck Township is submitting the preceding excerpts from the Tri-Community Master Plan as evidence to assist the USACE District Engineer overseeing LRE-2010-00304-52-S1-2 in the determination whether to make an independent review of the need for the excavation of a boat basin by NorthShore of Saugatuck from the perspective of the overall Public Interest in answering the question posed in Section q of 33CFR320.4, "Is this boat basin needed in the marketplace?"<sup>xxiii</sup> And whether to "make an independent review of the *need* for the project from the perspective of the overall public interest," especially from the Public Interest Factors of Economics, Conservation, Recreation, and Land Use.**

#### 4) SAUGATUCK TOWNSHIP ORDINANCES ADDRESSING EXCAVATIONS –

**Our Master Plan states that the ecologically important dune ecosystem at the River Mouth “is planned for protection but details have yet to be finalized.” xxv Saugatuck Township, however, has two ordinances, updated since the 2005 Tri-Community Master Plan, that address excavation within Michigan’s Critical Dune Boundary and along the water frontage.**

In April 2017, the Saugatuck Township Planning Commission considered two permits for the NorthShore of Saugatuck development: a Special Approval Use for a marina and a site condominium for 23 lots in the Marina Cluster PUD. The Township Planning Commission was advised to consider those two permits with the assumption USACE had approved a permit to excavate a boat basin. As the Township attorney wrote on April 14, 2017:

**“The developer is not seeking Township approval of the boat basin. The developer is seeking approval from the United States Army Corps of Engineers (USACE), the Michigan Department of Environmental Quality (MDEQ), and the United States Environmental Protection Agency (USEPA) for the boat basin.** That application process is lengthy, includes public notices and preempts most local control. Questions about hydrology, **effects on the shoreline and dunes,** and about the disposal of excess soils will be addressed by the federal and state agencies as part of that procedure. Pg 2

This letter is not reinterpreting the Saugatuck Township Planning Commission’s permit for a Special Approval Use for a marina and a site condominium for 23 lots in the Marina Cluster PUD. This letter is specific to the Public Interest Factors of Conservation, Recreation, Established Land Use Patterns, and Economics specific to the *excavation of a boat basin* along the waterfrontage within Michigan’s Critical Dune Boundary sandwiched between publicly funded natural areas as proposed in LRE-2010-00304-52-S17-2.

In essence, the Planning Commission separated what they were considering into two timeframes:

- 1) *Before* excavation
- 2) *After* excavation

The two permit applications the Planning Commission considered in April 2017 were *After* excavation. Our comments are specific to the current timeframe *Before* excavation.

The following are facts in the current timeframe *Before* excavation:

- The proposed excavation area is in an upland area.
- The proposed excavation area is within Michigan’s Critical Sand Dune Boundary.

- The proposed excavation area has about 200' of frontage on the 'Inland Waterway' known as the Kalamazoo River.
- The historic site of Singapore is within the proposed excavation area.
- The excavation area is on private property within 300 foot of the Patty Birkholz Natural Area, one of only twenty in the State of Michigan, and Saugatuck Dunes State Park, one of the only State Parks in Michigan that is designed for quiet nature study and prohibits overnight camping. Immediately to the south of the excavation area is Tallmadge Woods and Saugatuck Harbor Natural Area. Both are managed as designated Natural Areas.

The following two zoning ordinances are the codification of our communities' history of conservation for the purposes of establishing a tourist-based economy based upon low-impact outdoor recreation, the land-use maps both current and future, and the Tri-Community Master Plan. Both ordinances have been extensively updated since the publication of the 2005 Tri Community Master Plan. These ordinances are a codification of Public Interest and the Public Uses for which the Area is Suited.

#### **40-337(C)(3)**

Ordinances overseeing development in the designated critical sand dunes were added in 2004 and 2015. These ordinances follow Michigan's Critical Dune Boundaries: "the critical sand dune area is that portion... **or located by the state** or by the appropriate state agency as designated critical sand dune areas pursuant to statutory authority."

#### **Section 40-337<sup>xxvii</sup>**

Management and regulation of Uses and **developments in the designated critical sand dune.**

**Sec. 40-337C.** The only Uses that may be allowed in the critical sand dune area are the following:

**Sec. 40-337C(3).** Such noncommercial recreational uses **as would not have a materially adverse effect upon the natural contours of the land** and its vegetation;

#### **40-910(h)**

Article XII. – Water Access and Dock Density Regulations, were added in 1999 and updated in 2007 and 2014. As the intent and purpose of the ordinances state, "**the township has concluded that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of its Inland Waterways** and its portion of Lake Michigan<sup>xxviii</sup>." The two updates were completed shortly after the publication of the 2005 Tri Community Master Plan to limit development along the waterfront and address **excavation.**

#### Section 40-910(h)<sup>xxix</sup>

**In no event shall a canal or channel be excavated for the purpose of increasing the Water Frontage required by this section.** Canals or channels which interface with an Inland Waterway or Lake Michigan and were lawfully in existence as of the effective date of this section may be cleaned and maintained in accordance with applicable laws of the State of Michigan **so long as they are not enlarged.**

Again, the applicant did not ask the Township for a permit to **excavate a boat basin**. The Township lawyer in a document to the Planning Commission dated April 14, 2017 writes:

**"The developer is not seeking Township approval of the boat basin. The developer is seeking approval from the United States Army Corps of Engineers (USACE), the Michigan Department of Environmental Quality (MDEQ), and the United States Environmental Protection Agency (USEPA) for the boat basin.**

That application process is lengthy, includes public notices and preempts most local control. Questions about hydrology, **effects on the shoreline and dunes**, and about the disposal of excess soils will be addressed by the federal and state agencies as part of that procedure. Pg 2<sup>xxx</sup>

Saugatuck Township's Planning Commission is currently reviewing the language in Section 40-910(h) to ensure all regulatory bodies, including the Planning Commission, and all applicants understand that **excavation** is not an option in any event for waterfront property owners.

Both zoning ordinances, 40-337(c)(3) and 40-910(h), are a clear reflection of our communities' history of conservation, the Tri-Community Master Plan, and a 'reflection of local factors of the public interest.'

## 5) OVERVIEW –

**The Tri-Community tourist-based economy relies upon preservation of the Historical, Ecological, and Cultural Values in the Historic Kalamazoo River Mouth Neighborhoods, as detailed in the Tri-Community Master Plan. This has been codified in the Township Code of Ordinances.**

**Saugatuck Township is asking the US Army Corps of Engineers (USACE) District Engineer overseeing LRE-2010-00304-52-S17-2 to make an independent review of the need for the project from the perspective of overall Public Interest.**

**In summary our rationale for this request follows:**

- While 33 CFR 320.4 (q) assumes that the boat basin, as proposed, ‘is needed in the market place.’ Saugatuck Township is submitting various documents for USACE to review when considering a Public Interest Factors Review:
  - a) The Tri-Communities have a 137-year history of establishing Parks and Natural Areas to protect the Historic, Ecological, and Cultural Values in the Historic Kalamazoo River Mouth Neighborhoods with the intention of driving the tourist-based economy.
  - b) The Tri-Community Master Plan, ‘as a reflection of local factors of the public interest’ emphasizes that:
    1. Our economy, or market place, is based upon tourism.
    2. What sustains that economy, or market place, is the protection of Historic, Ecological, and Cultural Values -- especially those found in the Historic Kalamazoo River Mouth Neighborhoods within Michigan’s Critical Dune Boundary comprised of beach, interdunal wetlands, dunes, forested dunes, Kalamazoo River frontage, and historic sites.
    3. When considering development proposals in the Historic Kalamazoo River Mouth Neighborhoods within Michigan’s Critical Dune Boundary our Master Plan states that protection of the Historic, Ecological, and Cultural Values that sustain our tourist-based economy should be the primary consideration.
  - c) The economic vision articulated in the Tri-Community Master Plan is codified in two zoning ordinances in the Saugatuck Township Code of Ordinances that address ***excavation along the waterfrontage***, especially within Michigan’s Critical Dune Boundary.
  - d) ***The excavation of the boat basin, as proposed in the August 2017 Public Notice for LRE-2010-00304-52-S17-2***, is projected to:

1. Shrink Michigan's Critical Dune Area up to 6.5 acres, by changing the contour from Critical Dune to Kalamazoo River;
2. Drain the globally imperiled interdunal wetlands on the Patty Birkholz Natural Area;
3. Damage the historic site of Singapore – a 19th century lumber town buried under the dunes and eligible for the National Register of Historic Places;
4. Put at risk Michigan's first Traditional Cultural Property – the associated Cultural Values – lake sturgeon, burial sites, water quality, and wild rice;
5. Deforest a significant forest canopy of 'the wooded sand dunes along the Kalamazoo River;'

Based upon the above factors, we ask the USACE District Engineer to recognize ***the excavation of a boat basin, as proposed in permit application LRE-2010-00304-52-S17-2***, meets the criteria as an 'appropriate case' with which to 'make an independent review of the need for the project from the perspective of the overall public interest.'

## 6) Endnotes

<sup>i</sup> Memorandum from Scott Smith and Nick Curcio of Dickinson/Wright to Saugatuck Township Planning Commission, April 14, 2017

<sup>ii</sup> US Army Corps of Engineers, Detroit District, Public Notice LRE-2010-00304-52-S17-2, August 11, 2017.

<sup>v</sup> US Army Corps of Engineers, Detroit District, Public Notice LRE-2010-00304-52-S17-2, August 11, 2017. Page 1, “a total of 241,750 cubic yards of sand would be excavated from a **6.54-acre** upland area approximately 1,639 feet long and up to 200 feet wide”

<sup>vi</sup> Potential Effects of Marina Construction as Proposed by North Shores of Saugatuck, LLC on Water Tables and Drawdown Beneath Nearby Back-Dune Wetland Complexes, Anthony Kendall and David Hyndman, March 25, 2019. Page 29, “Our modeling efforts produced a reasonably well-calibrated groundwater model for the region surrounding the proposed marina, which demonstrates that significant drawdown occurs during the marina construction period, and continues at least 60 days following the cessation of dewatering of the marina area. This drawdown occurs despite the presence of sheetpile intended to isolate the surrounding area from dewatering. **Drawdown beneath back-dune wetland complexes reaches as much as 14 feet during the construction period, and 60 days later water tables remain greater than 2 feet below pre-construction levels.** Given the hydrologic characteristics of the area, and the specification in the DEQ permit that construction occur during the winter, it is very likely that water tables will not fully recover during the growing season following construction. Indeed, it could take significantly longer for levels to recover, however that period is, as stated in our previous report, dependent upon the weather conditions before, during, and after construction—all of which remain hypothetical at this point.”

<sup>vii</sup> US Army Corps of Engineers, Detroit District, Public Notice LRE-2010-00304-52-S17-2, July 2, 2018. Page 4 “the undertaking **would have an adverse effect on Area C**, as defined in 36 CFR 800.5(a)(1).” Area C has been identified as part of the buried 19<sup>th</sup> Century lumber town of Singapore.”

<sup>viii</sup> Ethnographic Traditional Cultural Property Study of the Mouth of the Kalamazoo River, Allegan County, Michigan with Recommendations as to its Eligibility For Listing in the National Register of Historic Places, Prepared by Algonquin Consultants, Inc. with Thomas F. King, December 3, 2019. Determination of Eligibility Notification, National Register of Historic Places, National Park Service, Keeper of the Register. November 5, 2020

<sup>ix</sup> Tri-Community Master Plan, 2016. Page 4-23 “Mature trees represent a valuable resource in maintaining the aesthetic character of the area, not to mention their overall importance to wildlife and the natural environment. **In particular, the wooded sand dunes along the Kalamazoo River** and Lake Michigan, and those buffering adjacent uses from I-196, **are especially important. They should be managed to insure their long term existence.**” Recent drone images reveal the ‘laydown area’ proposed by NorthShore of Saugatuck in both the USACE and EGLE permit applications has been clearcut and excavated.

<sup>x</sup> [https://www.mlive.com/news/grand-rapids/2010/05/state\\_saugatuck\\_township\\_move.html](https://www.mlive.com/news/grand-rapids/2010/05/state_saugatuck_township_move.html)

<sup>xiii</sup> February 28, 2020 letter from Saugatuck Township to USACE. December 18, 2020 letter from Saugatuck Township to USACE.

<sup>xiv</sup> Letter to USACE from Saugatuck Township Fire District, 10/12/21

<sup>xv</sup> Tri Community Master Plan, 2016. Page 8-1. “Tourists have always been attracted to the area, but **tourism is now the number one economic activity.**”



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<sup>xvi</sup> Tri Community Master Plan. Pages 8-1 – 8-2. “Although waterfront lands have high revenue generating potential, a major attraction of both the Lake Michigan and Kalamazoo River waterfronts is their scenic, natural shorelines composed of forested sand dunes and Tri-Community Master Plan Update large wetland areas. **Should these natural areas be greatly damaged or destroyed through inappropriate development, then the "goose that laid the golden egg" will be dead. It is essential that the natural beauty of the waterfront be maintained** along the Lake Michigan shoreline, the Kalamazoo River from the channel to Saugatuck, and from the Blue Star Highway Bridge inland.”

<sup>xvii</sup> US Army Corps of Engineers General Regulatory Policy 33 CFR 320.4(q). “Economics. When private enterprise makes application for a permit, **it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place. However, the district engineer in appropriate cases, may make an independent review of the need for the project from the perspective of the overall public interest.**”

<sup>xviii</sup> US Army Corps of Engineers General Regulatory Policy 33 CFR 320.4(j)(1). “Even if official certification and/or authorization is not required by state or federal law, but a state, regional, or **local agency having jurisdiction or interest over the particular activity comments on the application, due consideration shall be given to those official views as a reflection of local factors of the public interest.**”

<sup>xix</sup> Dates referenced come from the following sources: A Portrait of Ox-Bow: Architecture-Art-Artists, Judy Bowman Anthrop, 2009. National Park Service website. A New Role for Citizen in State Park Planning: Saugatuck Dunes State Park, Michigan Academician, Patricia L. Birkholz and Robert L. Reinking, 1988. Lana Pollack, Letter to the National Trust for Historic Preservation, 2010. Tri-Community Master Plan, 2016.

<sup>xx</sup> The maps in this section come from Allegan County Land Information Services and the Tri-Community Master Plan, 2016.

<sup>xxi</sup> [Pollard v. Commissioner- Quid pro quo \(landcan.org\)](#). Any promise of future conservation easements, trails, land swaps by the property owner of NorthShore of Saugatuck, based upon what happens with permitting, is considered a Quid Pro Quo and is thus not considered a conservation easement permissible for tax reduction.

<sup>xxii</sup> All passages quoted in this section come from the 2016 Tri-Community Master Plan.

<sup>xxiii</sup> US Army Corps of Engineers General Regulatory Policy 33 CFR 320.4(q). “Economics. When private enterprise makes application for a permit, **it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place. However, the district engineer in appropriate cases, may make an independent review of the need for the project from the perspective of the overall public interest.**”

<sup>xxv</sup> Tri Community Master Plan, 2005. Page 10-7. “The northwest corner of the Township, along with the most of the land in Saugatuck west of the Kalamazoo lake should be preserved for public open space **and the portion that remains in private ownership should be maintained for low intensity uses (like the art colony and church camp).**”

<sup>xxvii</sup> Saugatuck Township Zoning Ordinance. [DIVISION 6B. - R-3B LAKESHORE TRANSITION ZONED DISTRICT | Code of Ordinances | Saugatuck Township, \(Allegan Co.\), MI | Municode Library](#)

<sup>xxviii</sup> Saugatuck Township Zoning Ordinance. [ARTICLE XII. - WATER ACCESS AND DOCK DENSITY REGULATIONS | Code of Ordinances | Saugatuck Township, \(Allegan Co.\), MI | Municode Library](#). Sec. 40-906. - Intent and purpose.

(a)The township, after extensive deliberations and discussions, has concluded that the use of water resources situated within the township must be considered within the framework of the township's longterm costs and benefits. **Further, the township has concluded that it is desirable to retain and maintain the**

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**physical, cultural and aesthetic characteristics of its Inland Waterways** and its portion of Lake Michigan.(b)Pursuant to its deliberations and discussions, **the township has concluded that a lack of regulation regarding the density of Docks on and general access to Inland Waterways and Lake Michigan within or adjacent to the township has resulted in a Nuisance condition and an impairment of irreplaceable natural resources of the township.** Further, the lack of regulation is resulting in the destruction of property values and constitutes a threat to the public health, safety and welfare of all persons utilizing these Inland Waterways and Lake Michigan and occupying adjacent properties within the township. Consequently, the township desires to adopt reasonable regulations regarding Dock density and general water access **to protect the public health, safety and welfare, as well as the irreplaceable natural resources of the township.**(c)The township has further concluded that regulation of water access and Dock density will help reduce conflicts which occur between residential single-Family use of the waterfront and shared waterfront use.

<sup>xxix</sup> Saugatuck Township Zoning Ordinance. [ARTICLE XII. - WATER ACCESS AND DOCK DENSITY REGULATIONS | Code of Ordinances | Saugatuck Township, \(Allegan Co.\), MI | Municode Library](#)

<sup>xxx</sup> Memorandum from Scott Smith and Nick Curcio of Dickinson/Wright to Saugatuck Township Planning Commission, April 14, 2017

**City of Saugatuck  
Capital Improvements Plan 2023-2028 DRAFT**

Project	Anticipated Funding Source(s)	Anticipated Project Cost By Year							Total	Notes
		2022	2023	2024	2025	2026	2027	2028		
<b>Roadways (Streets, Sidewalks, Streetscapes, Storm Sewer &amp; Bridges)</b>										
Water Street Sidewalk	Local/General	\$ 75,000							\$ 75,000	As-Bid plus as-needed construction engineering & contingency.
Systemwide Crack Sealing	Local/General		\$ 25,000		\$ 25,000		\$ 25,000		\$ 75,000	See below for applicable streets.
Systemwide Patching+Microsurfacing/Slurry Sealing	Local/General			\$ 500,000		\$ 150,000		\$ 150,000	\$ 800,000	See below for applicable streets.
Gravel Road Maintenance	Local/General		\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 90,000	Grading, dust control, millings
Takken/Taylor/East/West Crush & Shape w/ Drainage Repairs	Local/General	\$ 25,000	\$ 375,000						\$ 400,000	Water Main is 6" built in 1987. Sewer is 1977.
Mason Street Drainage Modifications	Local/General	\$ 2,000	\$ 18,000						\$ 20,000	New spillways and ditching with Takken/Taylor/E/W project.
Griffith Street Resurfacing - Mary to Francis	Local/General	\$ 5,000	\$ 50,000						\$ 55,000	Combine with Taylor/Takken/E/W project.
Spear Street Resurfacing - East and West of Grand	Local/General		\$ 10,000	\$ 100,000					\$ 110,000	
Maple Street Crush & Shape, Blue Star to S of North Street	Potentially EGLE/DWSRF (in part)		\$ 50,000	\$ 650,000					\$ 700,000	With water main replacement. Contingent on EGLE funding.
Maple Street Reconstruct S of North Street to North Street	Local/General		\$ 15,000	\$ 120,000					\$ 135,000	Coordinate with other work on Maple Street.
Lucy Street Resurfacing - Water to Butler	Potentially EGLE/DWSRF (in part)		\$ 10,000	\$ 100,000					\$ 110,000	With water main replacement. Contingent on EGLE funding.
Elizabeth Street Improvements - Allegan to Main	Potentially EGLE/DWSRF (in part)		\$ 50,000	\$ 500,000					\$ 550,000	With water main replacement. Contingent on EGLE funding.
Hoffman Street Improvements - Griffith to Grand & E of Elizabeth	Potentially EGLE/DWSRF (in part)		\$ 35,000	\$ 350,000					\$ 385,000	With water main replacement. Contingent on EGLE funding.
Grand Street Improvements - Mason to Hoffman & Francis to St. Joseph	Potentially EGLE/DWSRF (in part)		\$ 30,000	\$ 300,000					\$ 330,000	With water main replacement. Contingent on EGLE funding.
Mill Street Improvements	Local/General			\$ 50,000	\$ 550,000				\$ 600,000	Placeholder, final scope/configuration TBD
Butler Street Reconstruction - Culver to Lucy	Local/General				\$ 100,000	\$ 1,200,000	\$ 1,000,000	\$ 800,000	\$ 3,100,000	With water main replacement, 3-4 phases.
									\$ -	
									\$ -	
<b>Subtotal Roadways</b>		<b>\$ 107,000</b>	<b>\$ 683,000</b>	<b>\$ 2,685,000</b>	<b>\$ 690,000</b>	<b>\$ 1,365,000</b>	<b>\$ 1,040,000</b>	<b>\$ 965,000</b>	<b>\$ 7,460,000</b>	
<b>Subtotal Roadways w/o Projects Contingent on EGLE Funding (shaded in blue/gray):</b>		<b>\$ 107,000</b>	<b>\$ 493,000</b>	<b>\$ 665,000</b>	<b>\$ 690,000</b>	<b>\$ 1,365,000</b>	<b>\$ 1,040,000</b>	<b>\$ 965,000</b>	<b>\$ 5,325,000</b>	

<b>Water System</b>										
Maple Street Water Service Separation (720/Olde Mill)	Local/General	\$ 20,000							\$ 20,000	
Maple Street Water Main Replacement - Blue Star to S of North Street	Potentially EGLE/DWSRF		\$ 100,000	\$ 1,100,000					\$ 1,200,000	Contingent on EGLE funding.
Water Main Replacement/Looping in Well Field, Maple to High School	Potentially EGLE/DWSRF		\$ 30,000	\$ 300,000					\$ 330,000	Contingent on EGLE funding.
Lead Service Line Replacement - Systemwide	Potentially EGLE/DWSRF		\$ 100,000	\$ 1,000,000					\$ 1,100,000	Locations and final count TBD. Contingent on EGLE funding.
Elizabeth Street Water Main Replacement - Allegan to Main	Potentially EGLE/DWSRF		\$ 40,000	\$ 400,000					\$ 440,000	Contingent on EGLE funding.
Lucy Street Water Main Replacement - Water to Butler	Potentially EGLE/DWSRF		\$ 15,000	\$ 150,000					\$ 165,000	Contingent on EGLE funding.
Hoffman Street Water Main Replacement - Griffith to Grand & E of Elizabeth	Potentially EGLE/DWSRF		\$ 20,000	\$ 200,000					\$ 220,000	Contingent on EGLE funding.
Grand Street Water Main Replacement - Mason to Hoffman & Francis to Joseph	Potentially EGLE/DWSRF		\$ 15,000	\$ 150,000					\$ 165,000	Contingent on EGLE funding.
Butler Street Water Main Replacement - Culver to Lucy	Local/General				\$ 100,000	\$ 350,000	\$ 350,000	\$ 300,000	\$ 1,100,000	Consider including in EGLE application.
									\$ -	
									\$ -	
<b>Subtotal Water System</b>		<b>\$ 20,000</b>	<b>\$ 320,000</b>	<b>\$ 3,300,000</b>	<b>\$ 100,000</b>	<b>\$ 350,000</b>	<b>\$ 350,000</b>	<b>\$ 300,000</b>	<b>\$ 4,740,000</b>	

Note: Projects shaded blue/gray denote those that would be partially funded by EGLE and are thus contingent on EGLE funding.

<b>Wastewater System</b>										
Sanitary Sewer Lining - Systemwide	Local/General		\$ 10,000	\$ 150,000					\$ 160,000	Portions of Butler, Culver, Mary, Grand & Newnam (per SAW).
Sanitary Manhole Rehabilitation - Systemwide	Local/General		\$ 10,000	\$ 150,000					\$ 160,000	Locations as identified in wastewater AMP (SAW).
									\$ -	
									\$ -	
<b>Subtotal Wastewater System</b>		<b>\$ -</b>	<b>\$ 20,000</b>	<b>\$ 300,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 320,000</b>	

<b>Other</b>										
City Hall Exterior Improvements & Information Booth	Local/General	\$ 5,000	\$ 100,000						\$ 105,000	Spring 2023 construction is anticipated.
DPW Resurfacing	Local/General		\$ 10,000	\$ 150,000					\$ 160,000	
									\$ -	
									\$ -	
<b>Subtotal City Hall</b>		<b>\$ 5,000</b>	<b>\$ 110,000</b>	<b>\$ 150,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 265,000</b>	

**Candidate Roads for Crack Sealing:**  
 -- Perryman Street, Oval Beach to Park Street  
 -- Allegan Street, Culver Street to Maple Street  
 -- Holland Street, Francis Street to North Street  
 -- Water Street, Culver Street to Lucy Street  
 -- Culver/Lake Street, Griffith Street to Blue Star Highway  
 -- Blue Star Highway, Kalamazoo River Bridge to Maple Street  
 -- North Street, Holland Street to Maple Street

**Candidate Roads for Patching+Microsurfacing/Slurry Sealing**  
 -- Lucy Street, Butler Street to Holland Street  
 -- Spear Street, West End to Holland Street  
 -- Francis Street, Water Street to Holland/Griffith Street  
 -- Mary Street, Water Street to Butler Street  
 -- Hoffman Street, West of St. Joseph Street to East End  
 -- Park Street, Campbell Road to Mt. Baldhead Park  
 -- State Street, Lake Street to Maple Street  
 -- Culver Street, Butler Street to Griffith Street  
 -- Pleasant Street, Allegan Street to State Street

-- Elizabeth Street, Main Street to Francis Street  
 -- Mary Street, Butler Street to Grand Street  
 -- Francis Street, Holland/Griffith Street to Elizabeth Street  
 -- Mason Street, Water Street to Griffith Street  
 -- Griffith Street, Culver Street to Mary Street  
 -- Mason Street, Grand Street to Maple Street  
 -- Grand Street, Hoffman Street to Francis Street  
 -- Main Street, Griffith Street to Elizabeth Street  
 -- North Street, Maple Street to Blue Star Highway

Note: Project costs shown are budgetary in nature for comparison only to be refined during project development & design.



## City Council Agenda Item Report

**FROM:** Jamie, Wolters  
**MEETING DATE:** October 24, 2022  
**SUBJECT:** Special Event Application- Veterans Day

**DESCRIPTION:**

Attached is the special event form for the Veterans Day event sponsored by American Legion Post 137.

Special Event:	Veterans Day
Date:	11/11/22
Location:	Village Square Park
Event Hours:	10:30am-12:30pm
Estimated Attendees:	100
Estimated Volunteers:	15
Banner Palette Sign:	No
Barricades:	No
Music:	11:20am-11:45am
Alcohol:	No
Road Closure:	No

**BUDGET ACTION REQUIRED:**

N/A

**COMMITTEE/COMMISSION REVIEW:**

N/A

**LEGAL REVIEW:**

N/A

**SAMPLE MOTION:**

Motion to **approve/deny** the special event application Veterans Day event sponsored by American Legion Post 137 to be held on November 11th, 2022, contingent on staff approval and safety departments review.

RECEIVED

OCT 19 2022



Council Action

Approved

Denied

Date

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453

Phone: 269-857-2603 • Website: www.saugatuckcity.com

CITY OF SAUGATUCK

SPECIAL EVENT & PARADE APPLICATION

Must be filled out in its entirety & returned to the City Clerk's Office 60 days prior to scheduled event

SPONSORING ORGANIZATION INFORMATION

LEGAL BUSINESS NAME: AMERICAN LEGION POST 137

TELEPHONE: -

MAILING ADDRESS: Box 496 Saugatuck

CONTACT NAME: ROBERT BOYCE

TELEPHONE: -

E-MAIL ADDRESS: robcat857@icloud.com

CELL PHONE: 616 218 7278

CONTACT PERSON ON DAY OF EVENT

CONTACT NAME: Robert Boyce

TELEPHONE: 616 218 7278

E-MAIL ADDRESS: robcat857@icloud.com

CELL PHONE: 616 218 7278

EVENT INFORMATION

NAME OF EVENT: VETERENS DAY

DATE(S) OF EVENT: 11/11/22

PURPOSE OF EVENT: VETERENS DAY

RAIN DATE:

- Non-Profit, For-Profit, City Operated/Sponsored, Co-Sponsored, Marathon/Race, Festival/Fair, Video/Film Production, Other

EVENT LOCATION: Memorial Park

EVENT HOURS: 10:30 - 12:30

ESTIMATED NUMBER OF ATTENDEES: 100

ESTIMATED NUMBER OF VOLUNTEERS: 15 + HS BAND

ESTIMATE DATE / TIME FOR SET-UP: 10:30 A.M. P.M.

ESTIMATE DATE / TIME FOR CLEAN-UP: 12:30 A.M. P.M.

## EVENT DETAILS

WILL MUSIC BE PROVIDED DURING THIS EVENT:  Yes  No

TYPE OF MUSIC PROPOSED:  Live  Amplification  Recorded  Loudspeakers

PROPOSED TIME MUSIC WILL BEGIN: 11:20 END: 11:45

FOOD VENDORS/CONCESSIONS: (Contact Allegan County Health Department)  Yes  No  
 Provide Copy of Health Department Food Service License

WILL ALCOHOL BE SERVED AT THIS EVENT:  Yes  No  
 Provide Copy of Liquor Liability Insurance (listing the City as additionally insured)  
 Provide Copy of Michigan Liquor Control License

If yes, describe measures to be taken to prohibit the sale of alcohol to minors: \_\_\_\_\_

WILL FIREWORKS BE APART OF EVENT:  Yes  No  
 Provide Copy of Liability Insurance (listing the City as additionally insured)  
 Provide Copy of Fireworks Permit

EVENT SIGNAGE: City Council approval is required for any temporary signing in the public right-of-way, across a street or on City property. Which of the following signs are requested for this event:

"YARD" SIGNS - Number requested: \_\_\_\_ (Maximum size is 2' x 2'. Cannot be displayed no more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

BANNER UNDER SAUGATUCK PALETTE SIGN - (Size cannot be greater than 14' x 4'). Cannot be displayed more than 15 days prior to first day of event and must be removed 24 hours after end of event.)

SIGNAGE AT EVENT SITE - Location(s): \_\_\_\_\_

Description of signs: \_\_\_\_\_

(Signs at event site cannot be displayed prior to day of the event and must be removed at the end of the event.)

TENTS/CANOPIES/MISC: The City of Saugatuck does not have tents, stage, tables or chairs available for rental. There are a number of businesses listed in the yellow pages under "Rental Service Stores" that specialize in the rental of event supplies. Will the following be constructed or located in the event area:

BOOTHS – QUANTITY \_\_\_\_\_  TENTS – QUANTITY \_\_\_\_\_

AWNINGS – QUANTITY \_\_\_\_\_  TABLES – QUANTITY \_\_\_\_\_

PORTABLE TOILETS – QUANTITY \_\_\_\_\_

VENDOR PARKING: Have you made arrangement for vendor parking?  Yes  No

If yes, where do you propose your vendors park? \_\_\_\_\_

Will the Interurban be utilized?  Yes  No Time(s) \_\_\_\_\_

**DEPARTMENT OF PUBLIC WORKS**

APPROVED

DENIED

\_\_\_\_\_  
*Authorized Personnel Signature*

Will this event require the use of any of the following municipal equipment:  Yes  No

TRASH RECEPTACLES – QUANTITY \_\_\_\_\_

BARRICADES – QUANTITY \_\_\_\_\_

TRAFFIC CONES – QUANTITY \_\_\_\_\_

PARKING SIGNS – QUANTITY \_\_\_\_\_

FENCING  WATER  ELECTRIC

RESTROOM CLEANING

OTHER \_\_\_\_\_

**POLICE DEPARTMENT**

APPROVED

DENIED

\_\_\_\_\_  
*Authorized Personnel Signature*

ADDITIONAL OFFICERS REQUIRED?  Yes  No

If yes please describe & include times \_\_\_\_\_

Other (describe): \_\_\_\_\_

**SAUGATUCK TOWNSHIP FIRE DISTRICT**

APPROVED

DENIED

\_\_\_\_\_  
*Authorized Personnel Signature*

STREET CLOSURES:  Yes  No (use attached map to outline proposed closures)

Street closure date/time: \_\_\_\_\_  A.M.  P.M.

Street re-open date/time: \_\_\_\_\_  A.M.  P.M.

SIDEWALK CLOSURES:  Yes  No (use attached map to outline proposed closures)

Describe Sidewalk Use: \_\_\_\_\_

Sidewalk closure date/time: \_\_\_\_\_  A.M.  P.M.

Sidewalk re-open date/time: \_\_\_\_\_  A.M.  P.M.

PARKING LOT CLOSURES:  Yes  No (use attached map to outline proposed closures)

Parking Lot Location: \_\_\_\_\_

Sidewalk closure date/time: \_\_\_\_\_  A.M.  P.M.

Sidewalk re-open date/time: \_\_\_\_\_  A.M.  P.M.

What parking arrangements are proposed to accommodate potential attendance: \_\_\_\_\_

## APPLICATION CHECK LIST

- Completed Application
- Event Map (includes detailed event layout for vendors, booths, porta potties, etc.)
- Road/Sidewalk/Parking Lot Closure Map
- Certificate of Insurance (listing the City of Saugatuck as additionally insured)
- Fireworks Permit (if applicable)
- Michigan Liquor Control Commission Special Event License (if applicable)
- Health Department Food Service License (if applicable)

If document is missing, please explain: \_\_\_\_\_

The applicant and sponsoring organization understand and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Saugatuck as an additional insured on all applicable policies and submit the certificate to the City Clerk's Office no later than one (1) week following notice of the event approval.

Comply with all City and County Ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or organization from meeting any application requirements of law or other public bodies or agencies.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval is necessary.

Applicant understands that he/she is responsible for contacting the Michigan Liquor Control Commission and/or Allegan County Health Department to secure all permits required for this event.

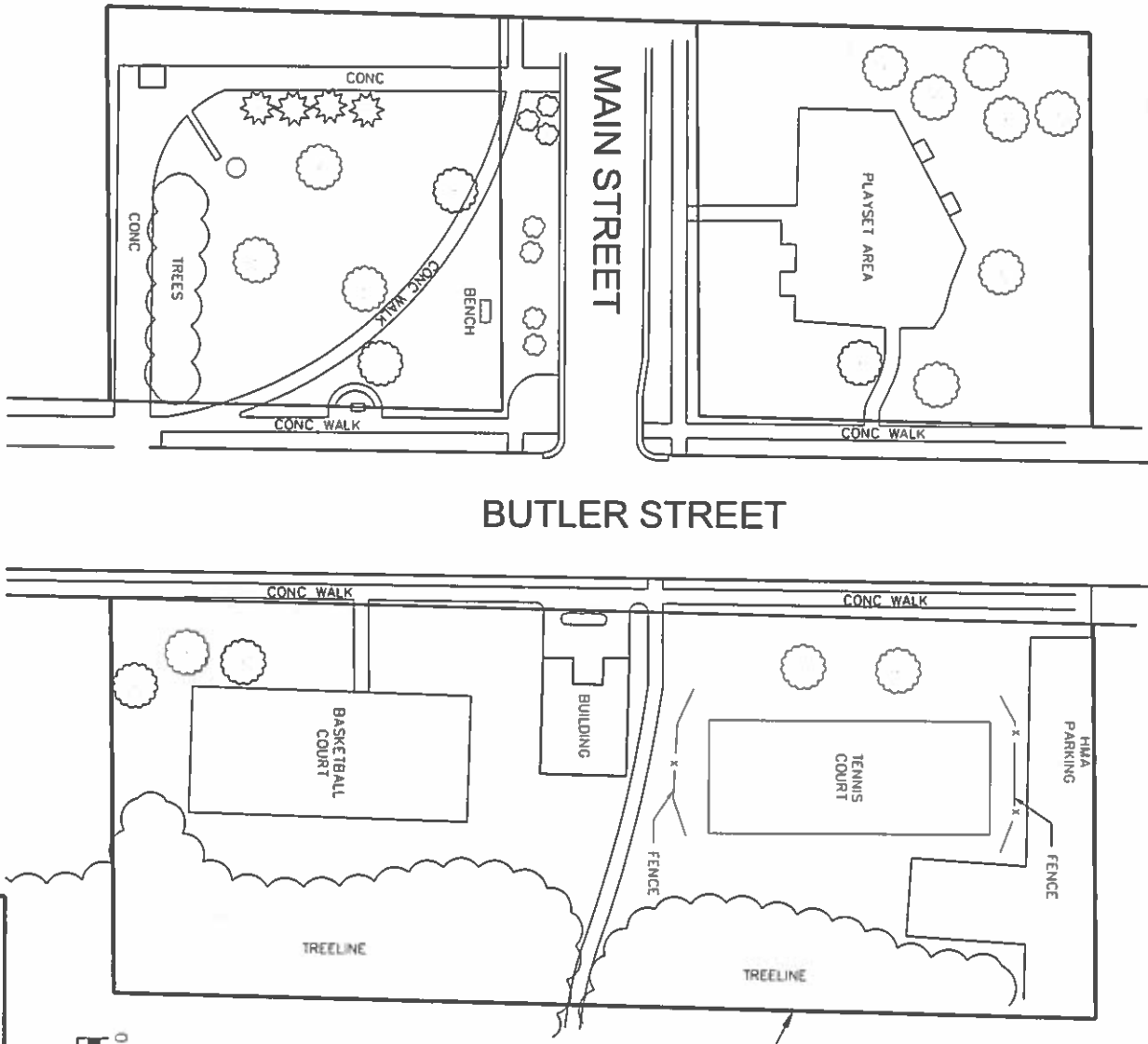
Applicant agrees to defend, indemnify and hold harmless the City of Saugatuck, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from this Special Event by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss cost of expense is caused in whole or in part by the negligence of the City of Saugatuck or by third parties, or by the agents, servants, employees or factors of any of them.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

Applicant Signature \_\_\_\_\_  
Will be no to sign.

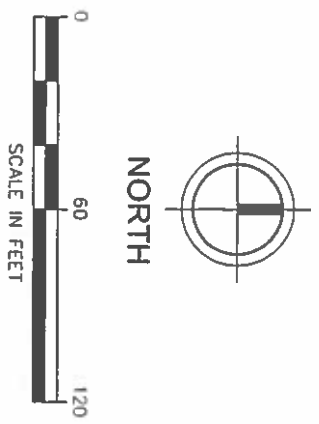
Date \_\_\_\_\_





APPLICANT TO SKETCH LOCATION OF PROPOSED  
 TEMPORARY STRUCTURES, TENTS, STAGES,  
 EQUIPMENT, TRAILERS, PORTA POTTY'S, ETC...

FLEIS & VANDENBRINK ENGINEERING, INC.



VILLAGE SQUARE  
 PARK BOUNDARY

CITY OF SAUGATUCK  
 ALLEGAN COUNTY, MICHIGAN

VILLAGE SQUARE PARK  
 PARK USE PERMIT APPLICATION

2011

3187

## Jamie Wolters

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**From:** Lauren Hodson <hodsonlm@gmail.com>  
**Sent:** Wednesday, October 19, 2022 6:47 PM  
**To:** Jamie Wolters  
**Subject:** Personal Comments regarding Proposed Sand Dune Mining and Marina

Dear City Clerk, Jamie Wolters,

I am a resident of Laketown Township. The land we own connects directly to the Saugatuck Dunes State Park. We moved here one year ago, drawn by the natural wild beauty of the area, after many years of traveling from Grand Rapids to enjoy long hikes as often as we could.

There is no other place in Southwest Michigan that feels as special to me than the Saugatuck/Douglas area. And, I believe this is the case because of all the undisturbed wild spaces that have been preserved and protected here.

In my humble opinion, it would be a great loss, and a dangerous and heartbreaking move for the future of the area, to allow the proposed sand dune mining and marina to be built in the heart of the most beautiful preserved natural areas in Southwest Michigan. Such a choice would have a devastating and lasting impact.

With the addition of the Northshore development, the feeling in the Saugatuck Dunes State Park has changed. While one adjusts over time, it will never be the same level of privacy, beauty and vastness that was previously enjoyed. I feel a strong concern that the development of this marina would further impact the enjoyment of the surrounding natural areas on both sides of the rivermouth that are beloved by so many.

I urge you to consider the importance of these wild spaces, and to act in the Public Interest and in accordance with the Tri-Community Master Plan. Please do everything you can to protect and preserve the heart of our natural areas at the Kalamazoo River Mouth.

To be specific, I ask that you please initiate and pass a resolution stating: *The proposed excavation and removal of 250,000 tons of sand within Michigan's Critical Dune Boundary at the Kalamazoo River Mouth is Contrary to the Public Interest as detailed in the Tri-Community Master Plan.* Then, submit the approved resolution to EGLE and USACE in their permit reviews.

Thank you for your consideration. I also ask that you please read and consider the detailed letter below put forth by the Saugatuck Dunes Coastal Alliance, which I agree with wholeheartedly.

With best regards, your neighbor,  
Lauren Hodson

6542 Windemere Way  
Holland, MI 49423  
Laketown Township

**I am writing to strongly urge you, as a fellow resident and as my elected official, to protect the Wild Heart of Saugatuck by passing a resolution stating the proposed excavation and removal of 250,000 tons of sand within Michigan's Critical Dune Boundary at the Kalamazoo River Mouth is Contrary to the Public Interest as detailed in the Tri-Community Master Plan.**

The proposed excavation and removal of 250,000 tons of sand from Michigan's Critical Dune Boundary to add 3,200-feet of waterfrontage to develop a private marina would forever change the Essential Character of the Wild Heart of Saugatuck. It would set a dangerous precedent for other marina developments in the River Mouth Area, potentially including Pine Trail Camp, Ox-Bow School of Art, even Saugatuck's northeast parking lot at Oval Beach.

**The proposed excavation is projected to:**

- Erase 6.5 acres of rare Critical Dunes for commercial gain.
- Drain the surrounding groundwater that feeds the globally imperiled interdunal wetlands on the Patty Birkholz Natural Area.
- Damage the Potawatomi Traditional Cultural Property, risking lake sturgeon, burial sites, wild rice, and other Cultural Values.
- Destroy the archaeological and historic site of Singapore.

**The proposed marina threatens our local economy and clearly violates local ordinances. It:**

- Diminishes and devalues the Tri-Communities' \$20+-million investment in the adjacent Saugatuck Harbor Natural Area, Tallmadge Woods, and the Patty Birkholz Natural Area by introducing inappropriate noise, vibration, fumes, and visual intrusions.
- Undermines the economic vision in our Tri-Community Master Plan – degrading our Parks, Natural Areas, Beaches, Waterways, Shorelines, Wetlands, and Dunes by changing the essential character of the Kalamazoo River Mouth.
- Adds significant boat traffic to the already-congested River Mouth area.
- Violates Saugatuck Township Code of Ordinances Section 40-910(h) and Section 40-337(c)3 prohibiting excavation to add 3200' of additional waterfrontage within Michigan's Critical Dune Boundary.

**We need your voice – and your actions – to protect and preserve the Wild Heart of Saugatuck.**

This fall EGLE will again notice the City of Saugatuck and Saugatuck Township to provide comment in the state permit review. The U.S. Army Corps of Engineers (USACE) noticed the City of Saugatuck and Saugatuck Township in 2017 and again in 2018.

**PLEASE initiate and pass a resolution now stating: *The proposed excavation and removal of 250,000 tons of sand within Michigan's Critical Dune Boundary at the Kalamazoo River Mouth is Contrary to the Public Interest as detailed in the Tri-Community Master Plan.* Then, submit the approved resolution to EGLE and USACE in their permit reviews.**

## Jamie Wolters

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**From:** Daniel Fox <danielwfox101@gmail.com>  
**Sent:** Thursday, October 20, 2022 7:34 AM  
**To:** Jamie Wolters  
**Subject:** City Council Communication

Jamie,

Please include this Letter to the Editor from the October 20th issue of the Commercial Record in the packet for the upcoming City Council meeting.

Thank you very much.

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Dan Fox

### LETTER TO THE EDITOR

## Why did city confiscate signs?

To the editor:

Election season typically sees some amount of goofiness. The latest examples come from Saugatuck's municipal poohbahs.

Yesterday, a city representative appeared in a city truck intent on removing three political signs from my property (and many more from neighbors'). Worse, the problem signs were being confiscated by the city without authority to do so. How come?

The small signs were displayed closer than 10 feet from the street edge, I was told. (You could retrieve the placards from city hall if you happened to see them being removed and were told where to locate them.)

Where exactly did this 10-foot requirement come from, anyway? It's

not present in the city's political-sign ordinance. It was not the subject of any city council debate and vote I can remember. It's not referenced in the specially-printed orange door hanger I was given (although a number of potential fine and penalty threats — not including confiscation — were cited).

The city manager subsequently sent me an email explaining "There is no hard and fast rule on 10 feet. Sometimes citizens appreciate an approximate understanding of the right-of-way boundary." So the city just went out confiscating signs based on someone's "approximate understanding?"

What we appear to have here is another example of creeping abuse of

municipal power aiming to circumvent citizen rights. It comes fresh on the heels of another, namely the mayor's abuse of power in her city-commission appointment procedures.

Saying she misunderstood that policy (odd considering she herself authored the procedure), she ultimately issued a weak public apology after a petition signed by more than 100 citizens called out the abuse.

Good government demands Saugatuck recommit to honest, impartial and transparent municipal governance, election season or not. Those qualities always sound good, but they need to be backed up with action all year long.

Dan Fox  
Saugatuck

## Jamie Wolters

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**From:** Dick Waskin <dickwaskin@gmail.com>  
**Sent:** Thursday, October 20, 2022 4:05 PM  
**To:** Jamie Wolters  
**Subject:** Fwd: Letter concerning Northshore Development

It appears that Ryan is out of the office until Monday. Could you please see that my email letter below is included in public communications for the Monday City Council meeting?

Thank you,  
Dick Waskin

----- Forwarded message -----

From: **Dick Waskin** <dickwaskin@gmail.com>  
Date: Thu, Oct 20, 2022 at 4:01 PM  
Subject: Letter concerning Northshore Development  
To: Ryan Heise <[ryan@saugatuckcity.com](mailto:ryan@saugatuckcity.com)>

Ryan, Could you please submit my email below under public communications at the Monday meeting of the City Council.

Dear Council Members,

I reviewed the draft letter that the Saugatuck Dunes Coastal Alliance is requesting be approved as a resolution by City Council.

I have paid attention to this discussion and efforts by the SDCA for many, many years. Unfortunately in the Coastal Alliance's zeal, they have fallen prey many times to exaggeration, misstatements and sometimes outright falsehoods. This resolution contains many of them. If the Council proceeds with approving this resolution they will find themselves complicit in this campaign.

I myself have no connection with this project any longer and have never had a professional relationship with the current developer.

As you know, the area that is proposed for the marina is not a "pristine" duneland. It is a flat area that was once completely logged bare. In the early part of the 20th century a new channel was dug through it to redirect the flow of the Kalamazoo River. Most recently on this "pristine" site there was constructed a residence and a very large yacht manufacturing facility. The use of this facility was abandoned and left as a rusting hulk for many years until the previous owner removed the facility and cleaned up the site preparing it for residential development.

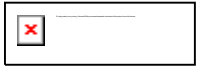
As for the claim of the "buried town of Singapore", this has been proven a myth. After logging was complete the area could no longer sustain the logging town and it was dismantled and a few of the buildings were moved upriver to the current town of Saugatuck. As the application for the excavation of the marina shows, the current developer, as required, has done extensive drilling to see if there are any remains of the former town of Singapore. A few discarded items and trash have been discovered and the developer has taken pains to avoid even these areas.

It would be prudent of Council to do further research about many of the statements made in this resolution before attaching the City's name to this and possibly becoming embroiled in further lawsuits, and spending tax dollars by becoming involved in the pursuits of the SDCA.

I appreciate your thoughts and deliberation on this topic.

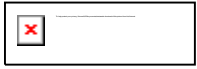
Sincerely,  
Dick Waskin

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DICK WASKIN, Broker/Owner  
616-218-3191 cell

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DICK WASKIN, Broker/Owner  
616-218-3191 cell