

## **Article 17 Environmental Conservation Provisions**

### **Section 17.01 - Purpose**

The purpose of this Article is to promote the conservation or wise use of important unrenewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind and water erosion, wetlands, and areas of topographic, archeological, geological, historical, or agricultural significance for present and future generations.

### **Section 17.02 - Natural Environment**

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission that the natural environment is seriously in jeopardy of being used unwisely, based upon an appraisal by the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget.

### **Section 17.03 - Natural Resources**

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals, and other economically important unrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type character and location of known surface and subsurface natural resources and the method proposed to preserve future access, development and extraction of such natural resources for future use.

### **Section 17.04 - Agricultural Land**

In order to properly conserve agricultural land on the basis of either its present use or its potential use, based upon the adaptability of its soil types and elevation to future agricultural development and use, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

### **Section 17.05 - Lakes, Ponds, Rivers, Streams, Water Courses, and Drainageways**

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses, and drainageways in the Township, no such feature shall be altered, changed, transformed, or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course, or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with Michigan State and Federal laws, regulations, and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river, or stream shall not be altered, changed, transformed, or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Streams Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 231 of 1970, "The Natural River Act", and (4) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".
- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules" adopted by the Michigan Department of Natural Resources are hereby made a part of this Ordinance.

### **Section 17.06 - Flood Plains**

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated floodway. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

### **Section 17.07 - Wetlands**

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be "Wetlands" in Hillsdale Township and are subject to the provision of this Ordinance as follows:

All wetlands in Hillsdale Township are hereby subject to the provisions of Public Act 203 of 1979, "The Wetlands Act" in order to encourage the proper use and development of the wetlands.

### **Section 17.08 - Environmentally Sensitive Areas**

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:
  - 1. Rare or valuable ecosystems.

2. Significant undeveloped agricultural, grazing, or watershed areas.
3. Forests and related land which require long stability for continuing renewal.
4. Scenic or historical roads/areas, including burial grounds.
5. Such additional areas as may be determined by the Federal Government, the State of Michigan, or Hillsdale County.

**B. General Requirements for Environmentally Sensitive Areas**

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
  2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Hillsdale Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
  3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
    - a. Clearcutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or drying trees.
    - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well-distributed stand of tree foliage shall be permitted.
    - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
    - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission, the provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
1. Determine whether the regulation of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alteration as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the

natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article 20, "Site Plan Review".